



VMUN 2024

# United Nations Permanent Forum on Indigenous Issues

BACKGROUND GUIDE



VANCOUVER MODEL UNITED NATIONS  
The Twenty-Third Annual Session | January 26–28, 2024

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Dear Delegates,

My name is Finn Liu, and I am pleased to serve as one of your directors of the United Nations Permanent Forum on Indigenous Issues (UNPFII) for Vancouver Model United Nations 2024. Serving alongside me will be your Co-director, Renee Chan, and Assistant Director, Amy Lam. As your dais team, we would like to extend our warmest welcomes to the twenty-third iteration of Vancouver Model United Nations.

Currently in my final year of Model United Nations as a senior at Fraser Heights Secondary, I am ecstatic to end this journey by doing my best to give delegates the memorable experiences I've had the privilege to partake in. Timidly walking into my first conference, I vividly remember the overwhelming talent, professionalism, and passion for resolving the world's greatest issues among fellow delegates. Fueling my love for social justice and law, I fell in love with an activity I'd never imagined I would stick with long enough to write a backgrounder for.

In this iteration of VMUN, the United Nations Permanent Forum on Indigenous Issues will be discussing *Indigenous Land Sovereignty* and the *Rights to Self-Governance*. I'd like to remind all delegates to please properly research these significant topics to the best of their abilities. I encourage you to carefully read these backgrounders provided as a starting point but continue to do your own research as well. If you have any questions or concerns, please do not hesitate to contact the dais team at [unpfii@vmun.com](mailto:unpfii@vmun.com). I am truly excited to meet you all soon!

With kind regards,

Finn Liu  
UNPFII Co-Director

# Position Paper Policy

## What is a Position Paper?

A position paper is a brief overview of a country's stance on the topics being discussed by a particular committee. Though there is no specific format the position paper must follow, it should include a description of your positions your country holds on the issues on the agenda, relevant actions that your country has taken, and potential solutions that your country would support.

At Vancouver Model United Nations, delegates should write a position paper for each of the committee's topics. Each position paper should not exceed one page and should all be combined into a single document per delegate.

For the United Nations Permanent Forum on Indigenous Issues, position papers, although strongly recommended, are not required. However, delegates who wish to be considered for an award must submit position papers.

## Formatting

Position papers should:

- Include the name of the delegate, their country, and the committee
- Be in a standard font (e.g. Times New Roman) with a 12-point font size and 1-inch document margins
- Not include illustrations, diagrams, decorations, national symbols, watermarks, or page borders
- Include citations and a bibliography, in any format, giving due credit to the sources used in research (not included in the 1-page limit)

## Due Dates and Submission Procedure

Position papers for this committee must be submitted by **11:59 PM PT on January 22, 2024**. Once your position paper is complete, please save the file as your last name, your first name and send it as an attachment in an email to your committee's email address, with the subject heading as "[last name] [first name] — Position Paper". Please do not add any other attachments to the email.

Both your position papers should be combined into a single PDF or Word document file; position papers submitted in another format will not be accepted.

Each position paper will be manually reviewed and considered for the Best Researched award.

The email address for this committee is [unpfii@vmun.com](mailto:unpfii@vmun.com).

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# Land Sovereignty

## Overview

In the context of Indigenous peoples, land sovereignty is defined as the right to access, use, and control traditional territories and ancestral lands.<sup>1</sup> Indigenous peoples have occupied their land for tens of thousands of years and have developed a long-standing relationship with it. As a result, they have acquired immense knowledge on how to coexist with and protect the land, making the land a crucial part of their identity. However, colonial perspectives often view land as a means for increasing profit and acquiring raw materials; in other words, they “use” the land, whereas Indigenous peoples generally see themselves as protectors of the land. They have created designated sacred areas with restricted access, wildlife sanctuaries, and hunting off seasons to protect the land in which they reside.<sup>2</sup> According to an Indigenous leader from Nepal, “[I]ndigenous peoples...have an intimate connection to the land.”<sup>3</sup> Their traditional knowledge, language, oral traditions, sense of responsibility for the land, and cultural practices help form this spiritual connection.<sup>4</sup>

Unfortunately, this relationship is endangered by the demand for economic growth. Globally, there are over 476 million Indigenous peoples in 5,000 unique groups whose livelihood, cultural identity, social systems, and political systems have been developed in tandem with the land.<sup>5, 6</sup> Land sovereignty, however, is not only important for Indigenous sovereignty but also protects the biodiversity on lands managed by Indigenous peoples. Their work on their ancestral land enables countries to combat climate change and build resilient communities.<sup>7, 8</sup> While Indigenous peoples frequently call on governments to recognize their land rights, they are often excluded from decision-making processes regarding their land and subjected to discriminatory policies, violence, and the continuous infringement of land rights.

The loss of land sovereignty along with their traditions and natural resources has a detrimental impact on Indigenous communities, leading to marginalization, discrimination, underdevelopment, poorer health, poverty, and the environmental degradation of their land through governmental and corporate projects.<sup>9</sup> Returning these lands to their Indigenous communities is an important step to decolonization and restoring their sacred relationship with the land.<sup>10</sup> While developing solutions, delegates will need to take into

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<sup>1</sup> Caitlin Newago, “Land Sovereignty Now,” *Luminato Festival Toronto*, 2021, <https://luminatofestival.com/land-sovereignty-now/>

<sup>2</sup> “Indigenous People are the World’s Biggest Conservationists, but They Rarely Get Credit for It,” *Vox*, 2021, <https://www.vox.com/22518592/indigenous-people-protect-nature-icca>

<sup>3</sup> “Indigenous Peoples - Lands, Territories and Natural Resources,” *United Nations*, 2007, [https://www.un.org/esa/socdev/unpfii/documents/6\\_session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet1.pdf)

<sup>4</sup> “First Nations’ Relationship to the Land,” *Indigenous Corporate Training Inc.*, 2015, <https://www.ictinc.ca/blog/first-nation-relationship-to-the-land>

<sup>5</sup> “Land Grabs,” *LifeMosaic*, 2016, <https://www.youtube.com/watch?v=WIscaRlkpYI&t=2s>

<sup>6</sup> “Indigenous Peoples,” *Amnesty International*, <https://www.amnesty.org/en/what-we-do/indigenous-peoples/>

<sup>7</sup> *Ibid.*

<sup>8</sup> “What is: Indigenous Sovereignty and Tribal Sovereignty,” *Indigenous Environmental Network*, 2020, <https://www.ienearth.org/what-is-indigenous-sovereignty-and-tribal-sovereignty/>

<sup>9</sup> “Indigenous Peoples - Lands, Territories and Natural Resources,” *United Nations*, 2007, [https://www.un.org/esa/socdev/unpfii/documents/6\\_session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet1.pdf)

<sup>10</sup> “What is Colonialism and How Did It Arise?,” *World101*, <https://world101.cfr.org/historical-context/prelude-global-era/what-colonialism-and-how-did-it-arise>.

consideration the diverse perspectives of Indigenous groups, treaties they have adopted, their relations with their government and land, and their experiences with colonization.

## Timeline

**May 4, 1493** — The Doctrine of Discovery is issued by 15th-century popes to justify Christian empires' superiority over other non-Christian people and nations.<sup>11</sup> This declaration paves the way for violations of Indigenous peoples' land rights, self-governance, sovereignty, and culture.<sup>12</sup>

**October 7, 1763** — The Royal Proclamation is issued by King George III after the Seven Years War fought between the British and French over North American territory.<sup>13</sup> It allows the British to claim territory and outlines the relationship between the Crown and Indigenous communities.<sup>14</sup> Although Indigenous land rights and Aboriginal titles were recognized in the document and indicated that land had to be bought by the Crown, the Royal Proclamation was written without any input from Indigenous communities.<sup>15</sup>

**April 12, 1876** — The Indian Act is introduced by the Canadian federal government. The act defines Indian status, reserve land, and the federal government's responsibilities for Indigenous peoples.<sup>16</sup> Since its introduction, revisions and amendments have been made regarding who qualifies for Indian Status, gender discrimination, and enfranchisement.<sup>17</sup>

**December 14, 1962** — The resolution on "Permanent Sovereignty over Natural Resources" is adopted by the General Assembly.<sup>18</sup> The resolution outlines Indigenous peoples' land sovereignty over natural resources and right to self-determination.<sup>19</sup>

**September 13, 2007** — The United Nations Declaration on the Rights of Indigenous peoples (UNDRIP) is adopted by 144 states. The declaration recognizes Indigenous peoples' right to self-determination; free, prior, and informed consent; and freedom from discrimination.<sup>20, 21</sup>

**September 22–23, 2014** — The World Conference on Indigenous peoples (WCIP) is held. The conference gives the opportunity to discuss the rights of Indigenous peoples, specifically pertaining to those outlined in UNDRIP.<sup>22</sup>

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<sup>11</sup> Travis Tomchuk, "The Doctrine of Discovery | CMHR," *Canadian Museum for Human Rights*, 2022, <https://humanrights.ca/story/doctrine-discovery>

<sup>12</sup> Ibid.

<sup>13</sup> "Royal Proclamation, 1763," *Indigenous Foundations*, [https://indigenousfoundations.arts.ubc.ca/royal\\_proclamation\\_1763/](https://indigenousfoundations.arts.ubc.ca/royal_proclamation_1763/)

<sup>14</sup> Anthony J. Hall, "Royal Proclamation of 1763," *The Canadian Encyclopedia*, 2006, <https://www.thecanadianencyclopedia.ca/en/article/royal-proclamation-of-1763>

<sup>15</sup> Ibid.

<sup>16</sup> Zach Parrott, "Indian Act," *The Canadian Encyclopedia*, 2006, <https://www.thecanadianencyclopedia.ca/en/article/indian-act>

<sup>17</sup> Ibid.

<sup>18</sup> "Permanent Sovereignty over Natural Resources General Assembly resolution 1803 (XVII)," *Audiovisual Library of International Law*, [https://web.archive.org/web/20230315032625/https://legal.un.org/avl/ha/ga\\_1803/ga\\_1803.html](https://web.archive.org/web/20230315032625/https://legal.un.org/avl/ha/ga_1803/ga_1803.html)

<sup>19</sup> Ibid.

<sup>20</sup> "Historical Overview | United Nations For Indigenous Peoples," *United Nations*, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples/historical-overview.html>

<sup>21</sup> Karine Duhamel, "The United Nations Declaration on the Rights of Indigenous Peoples," *Canadian Museum for Human Rights*, 2022, <https://humanrights.ca/story/the-united-nations-declaration-on-the-rights-of-indigenous-peoples>

<sup>22</sup> "Indigenous Peoples and Their Communities | UNEP," *UN Environment Programme*, <https://www.unep.org/civil-society-engagement/major-groups-modalities/major-group-categories/indigenous-peoples-and>

**September 25, 2015** — The 2030 Agenda for Sustainable Development is adopted by all UN member states. The agenda defines 17 Sustainable Development Goals (SDGs) related to topics such as environmental protection, poverty, health, and sustainable communities with an emphasis on no one being left behind.<sup>23</sup>

**2018** — Aaron Tailfeathers starts the LandBack Movement.<sup>24</sup> The movement, spanning Canada, the United States, and beyond, demands the return and decolonization of stolen Indigenous traditional lands.<sup>25</sup>

**September 2022** — The UN Human Rights Committee calls out Australia for violating international human rights laws by failing to address the issue of rising sea levels that threaten the Indigenous peoples in the Torres Strait Islands.<sup>26</sup> This ruling was the “first time a UN body had found a state violated international human rights laws through an inadequate climate policy.”<sup>27</sup>

**December 7, 2022** — The 30x30 Protected Areas plan is adopted. This plan aims “to conserve 30% of the world’s land and water by 2030,” but its impact on Indigenous lands has been called “the biggest land grab in history.”<sup>28</sup>

## Historical Analysis

Known as the “Age of Discovery,” the 15th century marked a period when European empires began colonizing Africa, Asia, and the Americas.<sup>29</sup> Advances in naval technology through the invention of the magnetic compass, caravel, and astrolabe allowed empires to cross oceans to “discover” other lands. Colonizers paid little regard to the Indigenous peoples and their territories that already occupied the land, seeing them as obstacles, subhuman, or nonexistent. When Europeans arrived in the Americas, the land was named the “New World,” indicating the colonists’ lack of acknowledgement for the Indigenous peoples who had already inhabited the Americas for centuries.<sup>30</sup> Only wanting to profit off the land and its resources, most colonists did not respect Indigenous cultures and the sacredness of the land.<sup>31</sup>

During the colonization period, settlers established two types of colonies: settler colonies and extractive colonies. In settler colonies, families would move to the “newly discovered” land and build infrastructure while maintaining social, economic, and cultural ties to their original country and displacing Indigenous communities.<sup>32</sup> Such colonies included Canada, the United States, South Africa, and Australia, where colonizers sought to permanently occupy and claim settler sovereignty over the land of Indigenous peoples.<sup>33</sup> Settler

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<sup>23</sup> “The Sustainable Development Agenda,” *United Nations*, <https://www.un.org/sustainabledevelopment/development-agenda-retired/>

<sup>24</sup> Albert Bender, “The LandBack Movement is Decolonizing Indigenous Land Across the Americas,” *People’s World*, 2022, <https://www.peoplesworld.org/article/the-landback-movement-is-decolonizing-indigenous-land-across-the-americas/>

<sup>25</sup> *Ibid.*

<sup>26</sup> “As Climate Crisis Alters Their Lands, Indigenous Peoples Turn to the Courts,” *UN Environment Programme*, 2023, <https://www.unep.org/news-and-stories/story/climate-crisis-alters-their-lands-indigenous-peoples-turn-courts>

<sup>27</sup> *Ibid.*

<sup>28</sup> Joseph Lee, “At COP15, Indigenous Leaders Warn Against ‘Biggest Land Grab in History,’” *Grist*, 2022, <https://grist.org/global-indigenous-affairs-desk/how-indigenous-people-are-fighting-to-stop-the-biggest-land-grab-in-history/>

<sup>29</sup> Mary O’Dowd and Robyn Heckenberg, “Explainer: What is Decolonisation?,” *The Conversation*, June 22, 2020, <https://theconversation.com/explainer-what-is-decolonisation-131455>.

<sup>30</sup> Jamila Osman, “What Is Colonialism? A History of Violence, Control and Exploitation,” *Teen Vogue*, 2020, <https://www.teenvogue.com/story/colonialism-explained>.

<sup>31</sup> *Ibid.*

<sup>32</sup> “What is Colonialism and How Did It Arise?,” *World101*, <https://world101.cfr.org/historical-context/prelude-global-era/what-colonialism-and-how-did-it-arise>.

<sup>33</sup> Adam Barker and Emma Battell Lowman, “Settler Colonialism,” *Global Social Theory*, <https://globalsocialtheory.org/concepts/settler-colonialism/>



colonies strived to eliminate Indigenous peoples, drive them away from the land through the creation of private properties, and assert power over them through police forces known as “Indian Agents.”<sup>34</sup> In extractive colonies, on the other hand, colonial governments prioritized the transfer of wealth through foreign conquest.<sup>35</sup> The wealth of natural resources, often existing in the form of rubber, copper, gold, and diamonds, made colonized land a target for resource exploitation.<sup>36</sup> For instance, in the Democratic Republic of the Congo, colonial powers extracted rubber and diamonds, among other resources, and murdered tribal leaders and Indigenous peoples who impeded their colonial interests, destroying Indigenous communities in the process.<sup>37</sup>

Colonization opened opportunities for economic growth, raw material extraction, religious diffusion, and displays of power. Thus, colonial governments implemented various laws, policies, and tactics that led to the oppression and dispossession of Indigenous peoples and the exploitation of their land’s resources.<sup>38</sup> While many Indigenous communities adopted treaties regarding their land rights with their colonial government, some, such as the Aboriginal and Torres Strait Islander people in Australia, did not.<sup>39</sup> In North America, Indigenous groups signed separate treaties with the Spanish, British, and French colonizers who used the agreements as a tool for dispossession.<sup>40</sup> In Australia, however, no treaty was negotiated between the Aboriginal and Torres Strait Islanders and the commonwealth.<sup>41</sup> Through treaties, colonizers were able to force Indigenous peoples to adopt their cultural values, governing structures, and belief systems, allowing them to take control of Indigenous land and resources. Over time, many Indigenous peoples lost their ability to manage the natural resources of their traditional and ancestral lands.

Corporations and governments have taken advantage of the land of Indigenous peoples for agricultural, mining, and underwater projects such as plantations and national parks.<sup>42</sup> However, despite the injustices Indigenous peoples have faced and efforts to ignore their calls for sovereignty, they have demonstrated remarkable resilience and strength through their resistance to colonial occupation and have continued to fight for their land rights.

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<sup>34</sup> Ibid.

<sup>35</sup> “What is Colonialism and How Did It Arise?,” *World101*, <https://world101.cfr.org/historical-context/prelude-global-era/what-colonialism-and-how-did-it-arise>.

<sup>36</sup> “DR Congo: Cursed by its natural wealth,” *BBC*, 2013, <https://www.bbc.com/news/magazine-24396390>.

<sup>37</sup> Ibid.

<sup>38</sup> Mary O’Dowd and Robyn Heckenberg, “Explainer: What is Decolonisation?,” *The Conversation*, June 22, 2020, <https://theconversation.com/explainer-what-is-decolonisation-131455>.

<sup>39</sup> “Treaties in Other Countries,” *Deadly Story*, [https://deadlystory.com/page/culture/articles/Treaties\\_in\\_other\\_countries](https://deadlystory.com/page/culture/articles/Treaties_in_other_countries).

<sup>40</sup> Lorena Allam, “What is an Indigenous Treaty and How Would it Work in Australia?,” *The Guardian*, August 20, 2022, <https://www.theguardian.com/australia-news/2022/aug/21/what-is-an-indigenous-treaty-and-how-would-it-work-in-australia>.

<sup>41</sup> “Treaties in Other Countries,” *Deadly Story*, [https://deadlystory.com/page/culture/articles/Treaties\\_in\\_other\\_countries](https://deadlystory.com/page/culture/articles/Treaties_in_other_countries).

<sup>42</sup> “Land Back and Indigenous Sovereignty,” *Pressbooks*, <https://pressbooks.library.torontomu.ca/theunderstory/chapter/module-2-5-land-back-and-indigenous-sovereignty/>

## Past UN/International Involvement

### UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a result of over 20 years of work and negotiation to create a comprehensive instrument recognizing the rights and freedoms of Indigenous peoples, including their right to their land, resources, and traditional territories.<sup>43</sup>

UNDRIP's origin can be traced back to ILO 107—also known as the Indigenous and Tribal Populations Convention—which was established in 1957 by the International Labour Organization in response to the decolonization movement post-World War II and the trans-Atlantic Indigenous resistance against European colonization in North America.<sup>44</sup> Although the convention was meant to safeguard Indigenous peoples' rights, the convention focused mostly on assimilation and failed to properly acknowledge the right to self-determination of Indigenous peoples.<sup>45</sup> In 1982, the Working Group on Indigenous Populations was created to start a draft of UNDRIP after José R. Martínez Cobo, a Special Rapporteur, published “Study of the Problem of Discrimination against Indigenous Populations.”<sup>46</sup> Finally on September 13, 2007, as a result of many Indigenous activists' struggles to push for its adoption, the General Assembly adopted UNDRIP.<sup>47</sup>

UNDRIP aims to defend the rights of Indigenous peoples regarding their land, territories, natural resources, and the environment. Unlike existing international human rights instruments such as the Charter of the United Nations and the Universal Declaration on Human Rights, UNDRIP outlines special protections for Indigenous peoples.<sup>48</sup> By challenging states' existing policies, practices, and systems, this framework acts as an important tool for recognizing Indigenous peoples' rights internationally. For example, the idea of “free, prior and informed consent” contradicts many country's existing systems and can help states to shape policies and laws surrounding resource extraction on Indigenous lands.<sup>49</sup> The declaration has inspired numerous states to apply the rights of Indigenous peoples to their own legal systems. For instance, judicial systems and institutions such as the courts in New Zealand, Inter-American Court of Human Rights, and African Commission on Human and People's Rights have increasingly referred to the declaration to uphold Indigenous rights.<sup>50</sup> Furthermore, countries such as Bolivia, Denmark, and the Republic of the Congo have incorporated UNDRIP's recommendations into their law in some form.<sup>51</sup>

Although UNDRIP strongly recognizes Indigenous peoples' rights, it has been criticized by some for producing little tangible results or change. The declaration is not legally binding, thus opening itself up to interpretations of governments. In addition, during UNDRIP's drafting process, English-speaking states made many changes to

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<sup>43</sup> “United Nations Declaration on The Rights Of Indigenous Peoples,” *United Nations*, <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

<sup>44</sup> Hayden King, “UNDRIP's Fundamental Flaw,” *Open Canada*, <https://opencanada.org/undrips-fundamental-flaw/>

<sup>45</sup> Erin Hanson, “UN Declaration on the Rights of Indigenous Peoples,” *Indigenous Foundations*, [https://indigenousfoundations.arts.ubc.ca/un\\_declaration\\_on\\_the\\_rights\\_of\\_indigenous\\_peoples/](https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/)

<sup>46</sup> Ibid.

<sup>47</sup> Hayden King, “UNDRIP's Fundamental Flaw,” *Open Canada*, <https://opencanada.org/undrips-fundamental-flaw/>

<sup>48</sup> Karine Duhamel, “The United Nations Declaration on the Rights of Indigenous Peoples,” *Canadian Museum for Human Rights*, 2022, <https://humanrights.ca/story/the-united-nations-declaration-on-the-rights-of-indigenous-peoples>

<sup>49</sup> Ibid.

<sup>50</sup> Rawiri Taonui, “UNDRIP at 10: Are We Making Progress in the Global Fight for Indigenous Rights?” *Australian Institute of International Affairs*, 2017, <https://www.internationalaffairs.org.au/australianoutlook/undrip-making-progress-indigenous-rights/>

<sup>51</sup> Ibid.

the initial draft, especially to article 46, to ensure states could use their “territorial integrity or political unity” as a way to excuse their obligations to the declaration.<sup>52</sup> Furthermore, some states only see UNDRIP as something to “aspire” to. Ultimately, some argue that sovereign states drafted UNDRIP in a way that suited their needs and existing political systems, rather than focusing on the primary goal of safeguarding Indigenous land sovereignty and self-determination.

## **OHCHR**

The Office of the High Commissioner for Human Rights (OHCHR) is a UN entity dedicated to promoting human rights internationally. OHCHR is committed to safeguarding the land sovereignty of Indigenous peoples and works in many different regions to promote Indigenous peoples’ rights. For example, it has worked with Indigenous peoples in Guatemala to develop strategies for protecting their territories and natural resources while also delivering training programs on litigation. Furthermore, OHCHR has played a key role in many regions in developing national and local laws that protect Indigenous rights.

OHCHR has also facilitated studies and seminars on Indigenous peoples’ land sovereignty, including areas such as natural resources, the relationship between Indigenous peoples and the land, treaties, and other agreements with states. In collaboration with the United Nations Development Programme (UNDP) and ILO, OHCHR established the UN Indigenous Peoples’ Partnership (UNIPP), which was later joined by United Nations Children’s Fund (UNICEF) and the United Nations Population Fund (UNFPA). The partnership’s work revolves around global and regional initiatives, such as supporting discussions on Indigenous issues between governments, Indigenous peoples’ organizations, and other stakeholders in Asia. By researching how extractive industries impact Indigenous peoples, these organizations aim to find ways to safeguard and promote Indigenous rights, institutions, governance, and policy processes.<sup>53</sup> Relevant areas of work include defending against extractive industries that encroach on the land of Indigenous peoples and protecting access to traditional land and ancestral territories.

## **Regional Human Rights Systems Involvement**

Globally, various regional human rights systems monitor violations of the rights of Indigenous peoples, especially when it relates to land sovereignty. The African Commission on Human and Peoples’ Rights, for example, develops legal systems that uphold the rights of Indigenous peoples, including their rights to their land, territories, and resources.<sup>54</sup> Similarly, the Inter-American Court and Commission on Human Rights aims to deal with petitions of violations of Indigenous peoples’ rights regarding their land, territories, and resources.<sup>55</sup> In recent years, the Inter-American Court of Human Rights has decided many important legal cases relating to the property and traditional land tenure of Indigenous peoples.<sup>56</sup>

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<sup>52</sup> Hayden King, “UNDRIP’s Fundamental Flaw,” *Open Canada*, <https://opencanada.org/undrips-fundamental-flaw/>

<sup>53</sup> “United Nations Indigenous Peoples’ Partnership (UNIPP) Strategic Framework 2011-2015,” *International Labour Organization*, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_186285.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_186285.pdf)

<sup>54</sup> “Indigenous peoples and the United Nations Human Rights System,” *Office of the United Nations High Commissioner for Human Rights*, 2013, <https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2.pdf>

<sup>55</sup> *Ibid.*

<sup>56</sup> United Nations, “Indigenous peoples and the United Nations Human Rights System,” 2013, <https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2.pdf>

## UNPFII Involvement

The Permanent Forum on Indigenous Issues is an advisory body to the Economic and Social Council (ECOSOC) composed of Indigenous and state representatives that focus on providing expert advice and recommendations. The body delivers two-week annual sessions that allow states and Indigenous peoples to share knowledge, address relevant issues such as land sovereignty, and improve recognition of the rights of Indigenous peoples. Past session themes include “Territories, Lands and Natural Resources,” “Indigenous peoples’ collective rights to lands, territories and resources,” and “Indigenous peoples, human health, planetary and territorial health and climate change: a rights-based approach.”<sup>57</sup> UNPFII also studies relevant Indigenous issues, which contribute to discussions at annual sessions and later shape policy recommendations.

## Current Situation

### Implementation of Land Rights

Although Indigenous peoples have customary rights rooted in their long-established “customary laws, values, customs, and traditions,” most of their rights are not recognized by state governments.<sup>58</sup> In fact, despite Indigenous customary rights covering more than 50% of the world’s land, only 18% of these rights are recognized by countries.<sup>59</sup>

In regards to land sovereignty, there currently exists three types of land rights: community concessions, private rights, and collective rights.<sup>60</sup> Firstly, Indigenous peoples can apply for community concessions, which allow them to manage their land for a set period of time. This land right does not allow ownership of the land; therefore, the government can cancel the land rights at any time.<sup>61</sup> Secondly, private rights give families and individuals ownership over their land through government certification or inheritance, allowing the owner(s) to buy, sell, and manage their land as they wish. Since private rights are not community-based, individuals can sell plots of land for money, which can lead to the loss of Indigenous territory.<sup>62</sup> Thirdly, collective rights ensure the land is permanently owned by the community and future generations. As the land is communally owned, the land cannot be sold by any individual.<sup>63</sup> This type of land right differs from settlers’ ideas of individual land ownership and privatization. According to recent research done by the Rights and Resources Initiative, “well-established local institutions and practices” and collective land rights can “sustain fragile ecosystems.”<sup>64</sup>

Indigenous peoples’ land management systems help prevent deforestation, forest degradation, and loss of biodiversity by using their deep knowledge of the forest and participating in forest governance.<sup>65</sup> Preserving

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<sup>57</sup> “UNPFII Past Sessions,” *United Nations*, <https://social.desa.un.org/issues/indigenous-peoples/unpfii/unpfii-past-sessions>

<sup>58</sup> Peter Veit and Katie Reytar, “By the Numbers: Indigenous and Community Land Rights,” *World Resources Institute*, 2017, <https://www.wri.org/insights/numbers-indigenous-and-community-land-rights>

<sup>59</sup> “Customary rights,” *UN-REDD Programme*, <https://www.un-redd.org/glossary/customary-rights>

<sup>60</sup> “Land Rights,” *LifeMosaic*, 2016, <https://www.youtube.com/watch?v=uHlzPxcCKDE>

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> “Indigenous Peoples’ Collective Rights to Lands, Territories and Natural Resources,” *International Fund for Agricultural Development*, [https://www.ifad.org/documents/38714170/40272519/IPs\\_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba](https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba)

<sup>65</sup> Amanda Bradley and Serena Fortuna, “Collective Tenure Rights: Realizing the Potential for REDD+ and Sustainable Development,” *FAO*, [https://redd.unfccc.int/uploads/2234\\_37\\_collective\\_tenure\\_rights\\_fao.pdf](https://redd.unfccc.int/uploads/2234_37_collective_tenure_rights_fao.pdf)

collective land rights and having Indigenous peoples manage land is generally more cost effective compared to other conventional forest management strategies due to Indigenous peoples' knowledge, proximity to the land, and strong relationships within each community.<sup>66</sup> Stronger collective land rights also contribute to better livelihoods and food security, higher per capita income, and reinvestment in public goods.<sup>67</sup> Land rights provide livelihood security, ensure environmental sustainability, preserve cultural identity, and reduce poverty.<sup>68</sup>

Increasingly, international frameworks such as UNDRIP are recognizing Indigenous peoples' collective land rights; however, states and private companies often do not respect, and in some cases, ignore these rights.<sup>69</sup> The failure to recognize land rights stem from a lack of resource mapping, demarcation, or land-titling. While some states legally recognize land rights, they may not be enforced or there may be contradictions between laws.<sup>70</sup> These factors allow private companies and the government to bypass free, prior and informed consent (FPIC), which is the right for Indigenous peoples to freely grant consent without external pressure prior to the project's start, to remain fully informed of what they are consenting to, and to reach consent through a customary decision-making process in the community that is granting consent.<sup>71</sup>

### **Extractive Industries and Natural Resources**

Extractive industries are responsible for the land dispossession of countless Indigenous peoples; such industries often prioritize economic growth over Indigenous rights. The majority of natural resources—such as grains, meat, sugar, coal, paper pulp, and oil—are found within the territories of Indigenous peoples.<sup>72</sup> In central Siberia, for example, the race for petroleum, gas, heavy metals, and coal is posing a threat to Indigenous peoples' land sovereignty in Krasnoyarsk Territory, specifically in the Taymyr Peninsula, Turukhansk, and Evenk.<sup>73</sup> Furthermore, forests are an integral part of many Indigenous peoples' livelihoods; however, they are a target for commercial companies interested in resource extraction. Governments use the creation of national parks and environmental protection zones as a reason to violently displace Indigenous communities, leaving them dispossessed and unable to access the traditional territories and land they once lived sustainably with.<sup>74</sup> In fact, most national parks and wildlife reserves exist today as a result of the forced eviction of tribal peoples.<sup>75</sup>

According to Article 10 in UNDRIP, "Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the FPIC of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return."<sup>76</sup> In reality, however,

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> "Indigenous Peoples' collective rights to lands, territories and natural resources," *International Fund for Agricultural Development*, [https://www.ifad.org/documents/38714170/40272519/IPs\\_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba](https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba)

<sup>69</sup> Ibid.

<sup>70</sup> "Indigenous Peoples' collective rights to lands, territories and resource," *United Nations*, <https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/04/Indigenous-Peoples-Collective-Rights-to-Lands-Territories-Resources.pdf>

<sup>71</sup> "Free, Prior and Informed Consent," *FAO*, <https://www.fao.org/indigenous-peoples/our-pillars/fpic/en/>

<sup>72</sup> "Indigenous peoples - Lands, Territories and Natural Resources," *United Nations*, 2007,

[https://www.un.org/esa/socdev/unpfii/documents/6\\_session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet1.pdf)

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> John Vidal, "The tribes paying the brutal price of conservation," *The Guardian*, 2016, <https://www.theguardian.com/global-development/2016/aug/28/exiles-human-cost-of-conservation-indigenous-peoples-eco-tourism>

<sup>76</sup> "United Nations Declaration on the Rights of Indigenous Peoples," *United Nations*, 2007,

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

Indigenous peoples are often excluded from decision-making processes regarding their land and the way their resources are managed. In the U.S., the government is responsible for consulting with Indigenous tribes prior to using their land, but the government often dismisses tribes' objections, believing that they should make the final decision.<sup>77</sup> With little or no decision-making power, Indigenous peoples often resort to protesting for the protection of their land.<sup>78</sup> Additionally, during the process of resource extraction, governments and companies can bribe environmental inspectors and weaken regulations to make land exploitation easier.<sup>79</sup> After the resources have been extracted, Indigenous peoples are often not properly paid or compensated for the resources extracted and the environmental damage caused.<sup>80</sup>

With growing trends in green technology in recent years, the demand for clean-energy metals and minerals has also grown significantly. These resources are necessary for electric vehicles, solar panels, wind turbines, and much more. However, many of these metals and minerals are located on or near Indigenous land.<sup>81</sup> This heightened extraction of green resources, also known as "green colonialism," on Indigenous land could lead to environmental abuses, the violation of human rights, and further breaches of free, prior and informed consent.<sup>82</sup>

## Environmental Protection

Indigenous peoples' knowledge of the natural world and sustainable practices are crucial to environmental conservation, community resiliency, sustainable land management, and combatting climate change. Indigenous peoples have established a reciprocal relationship with the environment: the land provides secure livelihoods, allows their communities to thrive, and in return, Indigenous peoples sustainably care for the land using traditional techniques and tools such as controlled burning, fallowing soil for the regeneration of nutrients, and construction of canals.<sup>83</sup> Although Indigenous peoples make up 5% of the world's population, 80% of the world's biodiversity is found in land taken care of by them.<sup>84</sup> According to the report, "Land Back: A Yellowhead Institute Red Paper," biodiversity is declining at a much slower rate in Indigenous communities' land than in the rest of the world.<sup>85</sup> This slower decline can be attributed to Indigenous land stewardship and sustainable land management practices.<sup>86</sup>

Endangering land sovereignty poses many threats to the environment. Activities like mineral extraction, game hunting, deforestation, and monoculture all contribute to environmental degradation, which includes loss of biodiversity, destruction of ecosystems, and the draining of natural resources. Indigenous peoples have also

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<sup>77</sup> Jeremy Deaton, "Why Protecting Tribal Rights is Key to Fighting Climate Change," *Yale E360*, 2021, <https://e360.yale.edu/features/why-protecting-tribal-rights-is-key-to-fighting-climate-change>

<sup>78</sup> Ugo Gentilini, "Uncommon ground: The impact of natural resource corruption on indigenous peoples | Brookings," *Brookings Institution*, 2020, <https://www.brookings.edu/articles/uncommon-ground-the-impact-of-natural-resource-corruption-on-indigenous-peoples/>

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Sandra Cuffe, "Over a third of conflicts over development projects affect Indigenous people: Study," *Mongabay*, 2023, <https://news.mongabay.com/2023/06/over-a-third-of-conflicts-over-development-projects-affect-indigenous-people-study/>

<sup>82</sup> Ibid.

<sup>83</sup> "Indigenous people are the world's biggest conservationists, but they rarely get credit for it," *Vox*, 2021, <https://www.vox.com/22518592/indigenous-people-serve-nature-icca>

<sup>84</sup> Kanyinke Sena, "Recognizing Indigenous Peoples' land interests is critical for people and nature.," *World Wildlife Fund*, 2020, <https://www.worldwildlife.org/stories/recognizing-indigenous-peoples-land-interests-is-critical-for-people-and-nature>.

<sup>85</sup> "Land Back and Indigenous Sovereignty," *Toronto Metropolitan University Pressbooks*,

<https://pressbooks.library.torontomu.ca/theunderstory/chapter/module-2-5-land-back-and-indigenous-sovereignty/>

<sup>86</sup> Ibid.

suffered due to severe water pollution and the loss of their culture connected with the environment. For Indigenous peoples, losing land sovereignty and access to traditional lands could mean losing their language, art forms, stories, sacred sites, connection with ancestors, and sense of belonging.<sup>87</sup> In many areas such as the Amazon, Indigenous lands are the last remaining refuge for biodiversity.

## Indigenous Resistance

Throughout centuries, Indigenous peoples have demonstrated great resilience and strength in resisting corporations, governments, and military forces' land invasions, land dispossession, and natural resource exploitation.<sup>88</sup> Over the past few years, the Land Back Movement—an Indigenous-led movement focused on decolonizing land—has demanded for Indigenous land sovereignty to be returned.<sup>89</sup> As part of this movement, Indigenous groups such as Kanaka Maoli, the Fox Lake Cree Nation, and the Lakota people have led protests and demonstrations to ensure their voices and land rights are not being ignored.<sup>90</sup>

However, land defenders are often met with violence, criminalization in the form of frequent arrests, and other forms of oppression. In Brazil alone, 342 land defenders were murdered between 2011 and 2021; however, this total is likely an underestimate of the total number of deaths.<sup>91</sup> Projects in the Philippines like the Kaliwa Dam and the Oceana Gold Mine have led Indigenous peoples to fight for and protect their land from resource exploitation and environmental degradation.<sup>92</sup> In the Philippines, Global Witness says 40% of the murdered land defenders are Indigenous.<sup>93</sup> While alarming, these statistics understate the violence as many incidents have not been reported, published in the press, or monitored. Governments and companies, according to Global Witness, also make an effort to silence Indigenous peoples through the use of threats, surveillance, criminalization, and sexual violence.<sup>94</sup>

## Case Study: Brazil

For thousands of years, Indigenous peoples have lived in the Amazon rainforest.<sup>95</sup> Currently, there are over 900,000 Indigenous peoples and 305 Indigenous ethnic groups in Brazil.<sup>96</sup> Of the 12.5% of Brazilian territory that is considered Indigenous land, most of it is located in the Amazon.<sup>97</sup> For Indigenous peoples, demarcation is an important step in protecting their land rights, livelihoods, and the future of their communities. Although the

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<sup>87</sup> Jens Korff, "Meaning of land to Aboriginal people," *Creative Spirits*, 2021, <https://www.creativespirits.info/aboriginalculture/land/meaning-of-land-to-aboriginal-people>

<sup>88</sup> "Land Back and Indigenous Sovereignty," *Toronto Metropolitan University Pressbooks*, <https://pressbooks.library.torontomu.ca/theunderstory/chapter/module-2-5-land-back-and-indigenous-sovereignty/>

<sup>89</sup> David Suzuki, "What is Land Back?," *David Suzuki Foundation*, <https://david Suzuki.org/what-you-can-do/what-is-land-back/>

<sup>90</sup> "Here are 3 places to watch the Land Back movement unfold in 2023," *CBC*, 2023, <https://www.cbc.ca/radio/unreserved/indigenous-land-back-movement-1.6704611>

<sup>91</sup> Joseph Lee, "Every two days, a land defender is killed. Most are Indigenous.," *Grist*, 2022, <https://grist.org/article/every-two-days-a-land-defender-is-killed-most-are-indigenous/>

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> Victoria Gill, "Amazon-dwellers lived sustainably for 5,000 years," *BBC*, 2021, <https://www.bbc.com/news/science-environment-57388939>

<sup>96</sup> Sam Ellis, "Brazil's indigenous land is being invaded," *Vox*, 2019, <https://www.vox.com/2019/11/25/20982232/brazil-indigenous-amazon-bolsonaro>

<sup>97</sup> "Indigenous peoples in Brazil," *IWGIA*, <https://www.iwgia.org/en/brazil.html>

government has made some progress in land demarcation, progress is slow, and most Indigenous land demarcations are pending or awaiting action.

The history of Indigenous peoples in Brazil is fraught with land dispossession, land conflicts, violence, and government corruption. In the 1920s, the government introduced infrastructure and relocated non-Indigenous peoples into the Amazon, displacing Indigenous groups from their traditional territories.<sup>98</sup> Large areas of the rainforest were cleared for agriculture. In 1964, Indigenous peoples in Brazil suffered under the military dictatorship as they watched highways, mines, and dams take over their land.<sup>99</sup> After the fall of the regime, a new constitution was created, which allowed Indigenous peoples to claim their land through a government agency called Funai, which focused on demarcation, monitoring, and protection of the land of Indigenous peoples in Brazil.<sup>100</sup> However, in the 1990s to 2000s, the Brazilian government helped extractive industries by weakening Funai and reducing the number of protected Indigenous reserves, thus increasing the number of illegal invasions.<sup>101</sup>

Invasions on Indigenous peoples' territories occurred frequently. Loggers, miners, cattle herders, farmers, and the government invaded Indigenous land for profit and economic growth. For example, illegal gold mining, in both demarcated and non-demarcated Indigenous lands, causes the destruction of natural ecosystems and mercury poisoning. These invasions have led to land conflicts, violence, threats, and assassinations of members of the Indigenous community.

From 2019 to 2022, Jair Bolsonaro served as the president of Brazil, and during that time, he strove to remove safeguards for Indigenous lands and allowed for the exploitation of the lands and natural resources of Indigenous peoples.<sup>102</sup> He supported the expansion of farms, strongly opposed demarcation, and reduced Funai's funds.<sup>103</sup> As a result, the number of illegal invasions surged, further endangering Indigenous peoples and their rights to their land. The next president, Luiz Inácio Lula da Silva, made a campaign promise to improve the recognition of Indigenous lands in Brazil. However, contrary to his agenda, on May 30, 2023, the Lower House of Congress voted in favour of Bill 490, which aims to restrict the recognition of Indigenous land in Brazil. The bill is focused on developing infrastructure on Indigenous lands and enables resource exploitation.<sup>104</sup> Presently, the bill is still being debated in the Senate and has not yet been approved by the President; however, if the Senate overrides Lula da Silva's veto, its approval would perpetuate land conflicts, legal invasions, deforestation, and the destruction of ecosystems.<sup>105</sup> As the Amazon rainforest is a massive carbon sink and ecosystem with incredible biodiversity, endangering the Amazon and its Indigenous peoples would potentially mean jeopardizing the fight to overcome climate change.

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<sup>98</sup> Sam Ellis, "Brazil's indigenous land is being invaded," *Vox*, 2019, <https://www.vox.com/2019/11/25/20982232/brazil-indigenous-amazon-bolsonaro>

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> Jenny Gonzales, "Majority of Brazil's Congress votes to restrict Indigenous land advances," *Mongabay*, 2023, <https://news.mongabay.com/2023/06/majority-of-brazils-congress-votes-against-indigenous-land-rights/>

<sup>105</sup> *Ibid.*



## Case Study: Tanzania

The Maasai have lived their pastoral lives sharing land resources and sustainably managing the land of the Great Rift Valley of Northern Tanzania and Southern Kenya for centuries.<sup>106</sup> However, frequent land grabs by investors of logging, mining, trophy hunting, and safari tourism have threatened the livelihoods of the Maasai. Land grabs, which are unfair seizures of land by private and public investors and governments, are often done with a lack of consent, consultation, and compensation for Indigenous peoples.<sup>107</sup> Security forces and police evict ethnic groups from their homes, causing violence and arrests of Maasai community members when they resist or protest such measures.<sup>108</sup> The evictors often destroy property and burn down the homes of the original inhabitants. Additionally, thousands of Maasai herders in northern Tanzania were evicted from their ancestral lands under the guise of conservation.<sup>109</sup> In June 2022, in the village of Loliondo within the Ngorongoro Conservation Area, 150,000 Maasai people were forcefully evicted and displaced for a luxury game-controlled area allegedly for the United Arab Emirates royal family.<sup>110</sup> While land-use laws exist in Tanzania that seek to protect Indigenous rights, the government fails to properly acknowledge and respect them. Furthermore, they have denied allegations of evictions and claim Indigenous peoples are willingly giving up their land.<sup>111</sup> The international community criticizes these evictions as violating international law and human rights.<sup>112</sup>

## Case Study: The Treaty of Waitangi in New Zealand

The Māori have lived on the lands colonially known as New Zealand for hundreds of years.<sup>113</sup> Māori have a deep connection with their land, Papatūānuku, which means the land and a mother figure in Māori tradition.<sup>114</sup> More than 150 years ago, the British Crown ceased the land of the Māori, initiating New Zealand's history of land grabs, dispossession, and displacement.<sup>115</sup> In response to the significant increase in land acquisition in the 1830s, the Treaty of Waitangi was signed between the British Crown and Māori chiefs. The Crown used the treaty as a tool to secure their sovereignty over Indigenous peoples and their land, preventing everyone but themselves from purchasing the land from the Māori people. When the treaty was translated and explained to the Māori, the settlers deceptively led the Indigenous peoples to believe that they would have more sovereignty than the treaty promised and that their status would be protected.<sup>116</sup> In addition, there were many translational issues, which

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<sup>106</sup> Ton Koene, "The Cattle Economy of the Maasai," *National Geographic Society*, 2022,

<https://education.nationalgeographic.org/resource/cattle-economy-maasai/>

<sup>107</sup> "Tanzania: Do Conservation Efforts Threaten Indigenous Rights?," *Foreign Policy*, 2022,

<https://foreignpolicy.com/2022/07/27/tanzania-conservation-colonialism-eviction-indigenous-rights/>

<sup>108</sup> Kizito Makoye, "Indigenous groups in Tanzania become victims of land grabbing," *Anadolu Agency*, 2022,

<https://www.aa.com.tr/en/africa/indigenous-groups-in-tanzania-become-victims-of-land-grabbing/2635793#>

<sup>109</sup> *Ibid.*

<sup>110</sup> "Tanzania: Do Conservation Efforts Threaten Indigenous Rights?," *Foreign Policy*, 2022,

<https://foreignpolicy.com/2022/07/27/tanzania-conservation-colonialism-eviction-indigenous-rights/>

<sup>111</sup> *Ibid.*

<sup>112</sup> Kizito Makoye, "Indigenous groups in Tanzania become victims of land grabbing," *Anadolu Agency*, 2022,

<https://www.aa.com.tr/en/africa/indigenous-groups-in-tanzania-become-victims-of-land-grabbing/2635793#>

<sup>113</sup> Sandra Morrison, "Explainer: the significance of the Treaty of Waitangi," *The Conversation*, 2019,

<https://theconversation.com/explainer-the-significance-of-the-treaty-of-waitangi-110982>

<sup>114</sup> Don Rowe, "Unstoppable movement: how New Zealand's Māori are reclaiming land with occupations," *The Guardian*, 2021,

<https://www.theguardian.com/world/2021/sep/01/unstoppable-movement-how-new-zealands-maori-are-reclaiming-land-with-occupations>

<sup>115</sup> *Ibid.*

<sup>116</sup> "The Treaty in brief," *NZ History*, <https://nzhistory.govt.nz/politics/treaty/the-treaty-in-brief>

caused different understandings of the treaty on both sides.<sup>117</sup> In the English treaty, it says giving up “sovereignty,” but in the Māori version, it reads as giving up governance but maintaining sovereignty and “free chieftainship.”<sup>118, 119</sup> The Waitangi Treaty remains “New Zealand’s founding document.”<sup>120</sup>

The Treaty of Waitangi Act established the Waitangi Tribunal in 1975 to investigate claims of violating Māori sovereignty and the treaty while making recommendations for compensating the Māori.<sup>121</sup> To this day, they have settled nearly 80 treaty claims.<sup>122</sup> As a result, the tribunal has strengthened the economy of the Māori sovereignty, thus helping to restore their relationship with their land and to heal Indigenous peoples from past injustices of colonization.<sup>123</sup> In 1995, the first settlement of the treaty, Waikato-Tainui, a Māori iwi, received \$170 million for having their Waikato land stolen in the 1860s.<sup>124</sup> Since much of the land was privatized, the Māori people cannot reclaim all their traditional land and are left with reparations in the form of cash payments.<sup>125</sup> Nonetheless, the government and the Crown have made an effort to negotiate settlements, deliver formal apologies, restore the names of traditional lands, and offer the option for the Māori to purchase or transfer properties.

Although New Zealand’s government does not fully support Māori co-governance, it has devised a method to evaluate policies against the Treaty of Waitangi called “Critical Tiriti Analysis” (CTA), which aims to incorporate Māori expectations and values into policies.<sup>126</sup>

As the Treaty of Waitangi serves as a reminder to New Zealand of who originally lived on the land, the government is working on aspects of the treaty in public policy.<sup>127</sup>

## Possible Solutions and Controversies

### Promote International Frameworks and Cooperation

Coordination between national and local governments is essential for effective policy development. Encouraging states to implement international frameworks and human rights instruments—such as UNDRIP, ILO 169, ILO 107, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination—is essential to helping states navigate legal reform and update policies while holding

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<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ted Reynolds, “The treaty today - What went wrong and what are we doing about it?,” *New Zealand Geographic*, <https://www.nzgeo.com/stories/the-treaty-today-what-went-wrong-and-what-are-we-doing-about-it/>

<sup>120</sup> “The Treaty in brief,” *NZ History*, <https://nzhistory.govt.nz/politics/treaty/the-treaty-in-brief>

<sup>121</sup> Fabiola Cineas, “Reparations in history: What New Zealand’s Māori can teach the US,” *Vox*, 2023, <https://www.vox.com/the-highlight/23518642/new-zealand-reparations-maori-settlements>

<sup>122</sup> Sandra Morrison, “Explainer: the significance of the Treaty of Waitangi,” *The Conversation*, 2019, <https://theconversation.com/explainer-the-significance-of-the-treaty-of-waitangi-110982>

<sup>123</sup> Sandra Morrison and Ingrid L M Huygens, “Explainer: the significance of the Treaty of Waitangi,” *The Conversation*, <https://theconversation.com/explainer-the-significance-of-the-treaty-of-waitangi-110982>

<sup>124</sup> Fabiola Cineas, “Reparations in history: What New Zealand’s Māori can teach the US,” *Vox*, 2023, <https://www.vox.com/the-highlight/23518642/new-zealand-reparations-maori-settlements>

<sup>125</sup> Don Rowe, “Unstoppable movement: how New Zealand’s Māori are reclaiming land with occupations,” *The Guardian*, 2021,

<sup>126</sup> Dominic O’Sullivan, Heather Came, and Tim McCreanor, “Putting te Tiriti at the centre of Aotearoa New Zealand’s public policy can strengthen democracy – here’s how,” *The Conversation*, 2022, <https://theconversation.com/putting-te-tiriti-at-the-centre-of-aotearoa-new-zealands-public-policy-can-strengthen-democracy-heres-how-180305>

<sup>127</sup> Ibid.

governments and business accountable. These frameworks and instruments often represent common ground between states and Indigenous peoples, established through negotiations.<sup>128</sup> However, many of the frameworks contradict existing legal systems and policies, are not legally binding, and heavily depend on each state's commitment to Indigenous land sovereignty.

Delegates should consider strengthening partnerships between Indigenous peoples, states, agencies, funds, programs, and programs within the UN system. Moreover, full recognition of Indigenous land sovereignty cannot be achieved without Indigenous peoples' participation and representation in decision-making processes that affect their land rights.<sup>129</sup> During its annual sessions, UNPFII facilitates important discussions between states and Indigenous peoples to learn about and address various Indigenous issues. Despite being non-binding agreements, these international frameworks serve as a valuable symbol for recognizing Indigenous peoples' rights and amplifying Indigenous voices, which in turn can lead to the full realization and respect of Indigenous collective land rights and sovereignty.

### **Education, Public Awareness, and Training Programs**

Indigenous communities, especially in rural areas, often lack an awareness of their land rights, access to legal aid services, and knowledge of how to seek justice regarding land sovereignty. As such, public awareness and training programs are useful in equipping Indigenous peoples with litigation strategies and an understanding of their land rights. The European Union (EU) has successfully funded a project, "Improving monitoring, research and dialogue on Business and Human Rights in Tanzania," conducted by Business and Human Rights Tanzania in rural areas of Tanzania that helped local Indigenous peoples access legal services, learn about their environmental and land rights, and seek legal aid through phone lines even after the project ended.<sup>130</sup> Educating and providing support to Indigenous communities strengthens Indigenous peoples' leadership in protecting lands and empowers them to defend their rights while promoting accountability for governments and companies. If implemented correctly where Indigenous empowerment is the main focus, community-based solutions have the potential to create a long-term impact on Indigenous communities and their land sovereignty. However, like other solutions, it requires adequate funding, staffing, and interest in Indigenous stewardship.<sup>131</sup> In addition, the political power of Indigenous groups is relatively small, thus necessitating cooperation and collaboration with the government to implement significant changes.

### **Community-Based Monitoring Systems**

Land invasions and inaccurate data on violence in land conflicts are prevalent issues in land sovereignty. Community-based mapping, monitoring and information systems (CBMIS) are widely used processes centred

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<sup>128</sup> Ry Moran and Craig Benjamin, "Why is UNDRIP Fine in Principle, but Not in Practice?," *The Tyee*, 2021, <https://thetyee.ca/Analysis/2021/03/17/Why-UNDRIP-Fine-Principle-Not-Practice/>

<sup>129</sup> "Indigenous peoples Must Have Full Representation, Participation in Decisions Affecting Their Territory, Governance, Speakers Stress at Permanent Forum | UN Press," *UN Press*, 2023, <https://press.un.org/en/2023/hr5477.doc.htm>

<sup>130</sup> "Knowing your rights: awareness raising on land and environmental rights and access to justice in rural communities of Tanzania," *IPIS*, 2021, <https://ipisresearch.be/fr/knowning-your-rights-awareness-raising-on-land-and-environmental-rights-and-access-to-justice-in-rural-communities-of-tanzania/>

<sup>131</sup> "Partnering with Indigenous People and Local Communities," *The Nature Conservancy*, <https://www.nature.org/en-us/about-us/who-we-are/how-we-work/community-led-conservation/>

around local Indigenous communities, combining their knowledge of the land and innovation.<sup>132</sup> Monitoring tools—such as cameras, GPS, software for data collection and maps, measurement tools, and communication devices—help Indigenous peoples map their land and resources and complete questionnaires, studies, research, and biodiversity surveys.<sup>133</sup> Monitoring systems would help to hold states accountable for human rights violations of Indigenous peoples and land defenders. In addition, monitoring the lands of Indigenous peoples can produce data and maps, which can be presented to national agencies, monitor international commitments, and empower communities to collect their own data and manage their land. Although monitoring systems offer protection to Indigenous peoples, their land, and those who defend it, challenges such as inadequate funding, training on equipment usage and monitoring methods, and support for local stewardship still hinder this solution’s progress.<sup>134</sup>

### **Supporting the Implementation of Land Rights in Legal Systems**

Despite the expansion of international frameworks recognizing Indigenous peoples’ land rights, tremendous work still needs to be done in the implementation of these recommendations at the national level. Few countries provide Indigenous peoples’ land with the national legal protection needed to facilitate FPIC. Follow-ups on international frameworks must ensure states are committed to their laws and actively uphold them. Furthermore, expert recommendations and public awareness may help nations to develop legal and policy frameworks that recognize collective titles and land rights for FPIC. Public awareness can be achieved by targeting populations opposed to Indigenous rights and claims, focusing public awareness campaigns on addressing negative stereotypes of Indigenous peoples and ignorance of related issues, spreading awareness of land rights, and educating public officials.<sup>135</sup> Although laws and policies would provide secure legal protection for Indigenous peoples’ land rights, many states still either have laws that contradict Indigenous land rights recognized in international law, lack the proper enforcement of these laws, or have governments that circumvent these laws. As delegates formulate solutions, they must consider that the implementation of legal land rights will vary according to each state’s national legal systems and existing legal security for the lands and resources of Indigenous peoples.<sup>136</sup>

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<sup>132</sup> Maurizio F. Ferrari, “What are Community-based monitoring and information systems (CBMIS)?,” *Forest peoples Programme*, 2016, <https://www.cbd.int/traditional/presentations/africa-cbmis-2016-fpp-1.pdf>

<sup>133</sup> Ibid.

<sup>134</sup> Abdullah A. Mamun and David C. Natcher, “The promise and pitfalls of community-based monitoring with a focus on Canadian examples,” *National Center for Biotechnology Information*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9988817/>

<sup>135</sup> “The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions,” *Asia Pacific Forum of National Human Rights Institutions and the Office of the United Nations High Commissioner for Human Rights*, 2013, <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

<sup>136</sup> Katie Reytar, Peter Veit and Nicholas Tagliarino, “Indigenous Land Rights: How Far Have We Come and How Far Do We Have to Go?,” *World Resources Institute*, 2016, <https://www.wri.org/insights/indigenous-land-rights-how-far-have-we-come-and-how-far-do-we-have-go>

## Bloc Positions

### Europe

Many European colonial countries—including the United Kingdom, France, Spain, and the Netherlands—have benefited from colonizing the majority of the world’s nations across the Americas, Africa, and Asia. Therefore, they often face pressure and demands from countries impacted by colonialism for reparations. The bloc provides the largest share of development aid and is heavily involved in promoting the rights of Indigenous peoples internationally.<sup>137</sup> The Saami, whose regions span across Norway, Sweden, and Finland, are the only Indigenous peoples that are recognized in Europe. Currently, their reindeer herding tradition is being threatened by displacement, resource extraction, and climate change, which makes determining which pastures are useful difficult to predict.<sup>138</sup> Existing laws protect the traditions of The Saami, but their land rights are not necessarily respected by governments and corporations. As a result, the bloc would look favourably toward international cooperation and financial aid to support the implementation of collective titling, land governance, and secure land tenure.<sup>139</sup> Numerous states have already committed to consultation and FPIC as outlined in UNDRIP, but whether they follow through with this commitment has yet to be determined.

### Latin America and Caribbean

Latin American nations, including Brazil, Paraguay, Ecuador, Colombia, Peru, and Mexico, were leaders in the legal recognition of Indigenous land from the mid-1980s until 2015. Since 2015, however, Latin America has made limited progress in implementing legal frameworks and protecting collective Indigenous land rights.<sup>140</sup> Many nations in the bloc have laws to protect land rights, but they are not reinforced or applied, which is partially due to economic challenges and pro-industry political powers. For instance, during Bolsonaro’s tenure in Brazil, deforestation of the Amazon reached a 15-year high in 2021 as the government sought economic growth through sectors such as agriculture.<sup>141</sup> Governments in this bloc often approve oil and mining projects without having consulted with Indigenous groups, leading to frequent legal battles. Furthermore, Latin America is leading the world in terms of the killing and criminalization of land defenders, totalling 1,155 deaths between 2012 and 2021, which is 66% of worldwide deaths.<sup>142</sup> The bloc would likely support solutions that enable the strengthening of Indigenous land rights in legal frameworks, the monitoring of lands and territories, and the protection of land defenders.

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<sup>137</sup> “European Union Engagement with Indigenous Issues,” *International Work Group for Indigenous Affairs*, <https://www.iwgia.org/en/european-union-engagement-with-indigenous-issues.html>

<sup>138</sup> Luke Laframboise, “Brussels Looks North: The European Union’s Latest Arctic Policy and the Potential for ‘Green’ Colonialism,” *The Arctic Institute*, 2022, <https://www.thearcticinstitute.org/brussels-looks-north-european-unions-latest-arctic-policy-potential-green-colonialism/>

<sup>139</sup> “Protecting Indigenous peoples is pursuing a better world | EEAS,” *European Union*, 2020, [https://www.eeas.europa.eu/eeas/protecting-indigenous-peoples-pursuing-better-world\\_en?s=86](https://www.eeas.europa.eu/eeas/protecting-indigenous-peoples-pursuing-better-world_en?s=86)

<sup>140</sup> Fermín Koop, “Latin America slows recognition of Indigenous lands,” *Diálogo Chino*, 2023, <https://dialogochino.net/en/infrastructure/371869-latin-america-slows-recognition-of-indigenous-lands/>

<sup>141</sup> Diana Roy, “Deforestation of Brazil’s Amazon Has Reached a Record High. What’s Being Done?,” *Council on Foreign Relations*, 2022, <https://www.cfr.org/in-brief/deforestation-brazils-amazon-has-reached-record-high-whats-being-done>.

<sup>142</sup> *Ibid.*

## Canada, United States, Australia, and New Zealand

Canada, the United States, Australia, and New Zealand were the four nations that initially opposed UNDRIP because they shared colonial histories and were reluctant to sacrifice their own sovereignty for the level of Indigenous land sovereignty—concerning land disputes and resource extraction—recognized in UNDRIP. Although these countries eventually changed their stance on UNDRIP in 2009 and 2010, the change did not reflect a change in commitment to the framework. The nations excused themselves from legal responsibility by using terms such as “non-binding” and “aspiration” and justifying their actions for Indigenous peoples as sufficient with existing policies. For some states, adopting UNDRIP was less about enacting policies and more about changing public perception.<sup>143</sup> The bloc would encourage international cooperation and is likely open to supporting other nations struggling with Indigenous land sovereignty, but their reluctance to reform existing legal systems may hinder their progress in fully recognizing Indigenous peoples’ land sovereignty.

## Asia

The majority of Indigenous peoples in the world are found in Asia in nations such as Thailand, Bangladesh, Indonesia, Cambodia, Philippines, Myanmar, Taiwan, and Vietnam. In this region, the concept of “Indigenous peoples” remains contentious. Moreover, many nations lack the recognition and protection of collective land rights, which exposes Indigenous communities to violence and land conflict. Government-supported development, the extraction of natural resources—particularly mining—and gaps in laws and regulations perpetuate the ongoing land tenure insecurity and displacement of Indigenous peoples in Asia.<sup>144</sup> The majority of Asian states voted in favour of UNDRIP, yet many did not follow through with their commitments to Indigenous land, territories, and natural resources.<sup>145</sup> However, there has been an increase in Asian Indigenous participation and representation in local, state, national, and international organizations and bodies, especially in the UN.<sup>146</sup> The bloc would likely opt for solutions that encourage the proper implementation of Indigenous land rights recognized in international frameworks into legal systems, accountability within the government, trans-governmental coordination, and access to legal resources and education for Indigenous peoples.

## Africa

Indigenous peoples are found in many African nations, including Cameroon, Tanzania, Kenya, Ethiopia, and the Central African Republic. The fact that most people in Africa are considered Indigenous troubles state governments because it necessitates granting special rights to Indigenous peoples and restricts the state’s ability to profit from Indigenous land and resources.<sup>147</sup> Indigenous peoples in Africa face displacement largely due to

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<sup>143</sup> Erin Hanson, “UN Declaration on the Rights of Indigenous Peoples,” *Indigenous Foundations*, [https://indigenousfoundations.arts.ubc.ca/un\\_declaration\\_on\\_the\\_rights\\_of\\_indigenous\\_peoples/](https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/)

<sup>144</sup> Stefania Errico, “The rights of indigenous peoples in Asia,” *International Labour Organization*, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_545484.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_545484.pdf)

<sup>145</sup> Asia Indigenous peoples Pact, “Overview of the State of Indigenous peoples in Asia,” *Land Portal*, 2014, <https://landportal.org/node/35410>

<sup>146</sup> Albert Salamanca, “Indigenous peoples of Southeast Asia reaffirm their rights,” *Stockholm Environment Institute*, 2019, <https://www.sei.org/perspectives/indigenous-peoples-of-southeast-asia-reaffirm-their-rights/>

<sup>147</sup> “Development and Indigenous peoples in Africa,” *African Development Bank*, 2016, [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Development\\_and\\_Indigenous\\_Peoples\\_in\\_Africa\\_\\_En\\_-\\_v3\\_.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Development_and_Indigenous_Peoples_in_Africa__En_-_v3_.pdf)

agriculture and natural resource extraction, such as logging and mining. For example, oil extraction in Nigeria's Niger Delta has led to recurring oil spills, decimating fish populations which the Nembe people and other Indigenous groups rely on as a source of livelihood.<sup>148</sup> Furthermore, African states experience international pressure for legal reforms, projects, and privatization, thus weakening the protection of Indigenous communities' land rights. For example, foreign donors have taken large pieces of land from Indigenous peoples for wildlife conservation and protection areas.<sup>149</sup> To prevent land evictions and forced displacement of Indigenous peoples, the bloc would likely pursue national legal reforms, stronger international support and enforcement of laws, the recognition of customary land rights in laws, and better access to legal services.<sup>150</sup>

## Discussion Questions

1. What Indigenous groups live in your nation, what are their land rights, and how do their customary laws and practices benefit the land on which they live?
2. Who should be involved in the management of natural resources on Indigenous lands and territories? How should the management of natural resources found on Indigenous lands and territories be structured to ensure Indigenous representation?
3. What can your country do to reinforce the land rights of Indigenous peoples?
4. What are the environmental benefits of preserving Indigenous land sovereignty?
5. What international frameworks or human rights instruments have already been created to recognize Indigenous land sovereignty? Were they effectively implemented by states? How can its successes or shortcomings be addressed?
6. How can the diverse perspective of different Indigenous groups be recognized in solutions that are implemented?
7. Should green resources continue to be extracted from Indigenous lands with the intent of combatting climate change?

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<sup>148</sup> Justice Nwafor, "In Niger Delta, Oil Spill is Impoverishing Residents, Devastating Environment, Dislocating Cultures," *Earth Journalism Network*, 2022, <https://earthjournalism.net/stories/in-niger-delta-oil-spill-is-impoverishing-residents-devastating-environment-dislocating>

<sup>149</sup> Albert K. Barume, "Land Rights of Indigenous peoples in Africa," *IWGIA*, 2010, [https://www.iwgia.org/images/publications/0002\\_Land\\_Rights\\_of\\_Indigenous\\_Peoples\\_In\\_Africa.pdf](https://www.iwgia.org/images/publications/0002_Land_Rights_of_Indigenous_Peoples_In_Africa.pdf)

<sup>150</sup> Joseph Lee and Rachel Glickhouse, "Indigenous Endorois fight for their land and rights at UN," *Grist*, 2022, <https://grist.org/global-indigenous-affairs-desk/indigenous-endorois-of-kenya-fight-for-their-land-and-rights-at-un/>

## Additional Resources

Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources:

[https://www.ifad.org/documents/38714170/40272519/IPs\\_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba](https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba).

Land Rights:

<https://www.youtube.com/watch?v=uHlzPxcCKDE>

Land Grabs:

<https://www.youtube.com/watch?v=WIscaRlkpYI&t=2s>.

Indigenous Peoples' Collective Rights to Lands, Territories and Resources:

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

Indigenous Peoples - Lands, Territories and Natural Resources:

[https://www.un.org/esa/socdev/unpfii/documents/6\\_session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/6_session_factsheet1.pdf).



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# Indigenous Rights to Self-Governance

## Overview

At its core, Indigenous rights to self-governance are recognized as structures of governance in which communities themselves maintain autonomy while working closely with their respective municipal, provincial, and national governments.<sup>151</sup> Pertaining to everything from management of resources, rights to land, and policies implemented, this governance can be on the communal level—with individual band leaders and chiefs making decisions for their own smaller community—or a greater provincial and national level, where policies grant Indigenous peoples of an entire country self-governance rights and powers.

From a history of colonialism, Indigenous self-governance had been stripped after European contact. Before then, Indigenous governance structures thrived with various self-determined forms of governance outside of western influenced democracies unique to each community's values. Since the passing of the *British North America Act* in 1867 (now known as the Constitution Act in contemporary politics), for example, Canada applied Eurocentric ideals in the interest of gaining control over and creating laws on behalf of the Indigenous peoples.<sup>152</sup> Colonial governments included parliamentary systems of government which are still used in modern democracies.

Globally, there currently exists 476 million Indigenous identifying individuals, inhabiting over 90 countries worldwide and making up around 6% of the entire global population.<sup>153</sup> Within this vastly diverse global community, Indigenous populations make up “about 19% of the extreme poor,” due to a lack of formal recognition of lands and leadership that, in turn, grants little investment into accessing basic needs and human rights.<sup>154</sup> Rights that have historically been taken away from Indigenous communities include access to geographical areas, the practice of traditions and arts, and accessing crucial systems including education and healthcare. Out of existing forms of governance, democratic structures working in tandem with existing government bodies are common in Eurocentric countries, but areas without legal recognition of the Indigenous peoples have varied governance structures.

## Timeline

**February 6, 1840** —The Treaty of Waitangi is signed by representatives of the British Crown and the Maori Peoples to confirm the European settlement of New Zealand.<sup>155</sup>

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<sup>151</sup> William B Henderson, “Indigenous Self-Government in Canada,” *The Canadian Encyclopedia*, February 7, 2006, <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-self-government>

<sup>152</sup> Bob Joseph, “Why Do Indigenous Peoples Want Self-Government?,” *Indigenous Corporate Training Inc.*, June 26, 2023, <https://www.ictinc.ca/blog/why-do-indigenous-peoples-want-self-government>.

<sup>153</sup> Amnesty International, “Indigenous Peoples Rights Are Human Rights.,” *Amnesty International*, June 16, 2023, <https://www.amnesty.org/en/what-we-do/indigenous-peoples/>

<sup>154</sup> “Indigenous Peoples,” *World Bank*, <https://www.worldbank.org/en/topic/indigenouspeoples>.

<sup>155</sup> Sandra Morrison “Explainer: The Significance of the Treaty of Waitangi,” *The Conversation*, August 4, 2022, <https://theconversation.com/explainer-the-significance-of-the-treaty-of-waitangi-110982>.

**1957** — The International Labor Organization (ILO) created the ILO Convention 107, which grants protection and land claim rights to Indigenous groups in Latin America. All independent Latin American countries and the Caribbean ratified this convention at the time of creation, though it is only in place in 15 Latin American and Caribbean countries today.<sup>156</sup>

**1982** — China begins recognizing ethnic minorities' official statuses as non-Han citizens, establishing autonomous counties that increase local control with minority government leaders.<sup>157</sup>

**1982** — The Mabo case allows for the creation of the Native Title in Australia, recognizing that the Aboriginal people of Australia are entitled to legal claims of their traditional lands. Australia's supreme courts' ruling on this case acknowledges the land rights of Aboriginal communities who had "their own social and political organization" to lands that the government of Australia previously disregarded in law.<sup>158</sup>

**1993** — The Nunavut claim settlement results in the creation of self-governing agreements in Canada due to the area's dominating Inuit population.<sup>159</sup>

**January 1994** — Mexico's Zapatista rebellion in Chiapas provides new opportunities for the negotiation of Indigenous autonomy in the country.<sup>160</sup>

**September 13, 2007** — The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is adopted by the General Assembly to protect Indigenous People across the globe.<sup>161</sup>

**2009** — An act on self-governance in Greenland is passed, allowing for the emergence of a national Inuit identity through an Indigenous-led parliament.<sup>162</sup>

**2009** — Bolivia's passing of a new constitution legally recognizes the rights of Indigenous populations to self-govern. Indigenous communities are now legally able to govern their own societies and have a voice in how their community is run without much government interference.<sup>163</sup>

**December 9, 2022** — The First Nations National Guardians Network is established in Canada to collectivize initiatives pertaining to Indigenous autonomy between Indigenous Guardians. Indigenous Guardians are environmental stewards that protect cultural sites and the natural lands of their respective communities.<sup>164</sup>

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<sup>156</sup> "C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107)," Convention C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107), <https://www.ilo.org/dyn/normlex/en/f?p>

<sup>157</sup> "The Question of Minority Identity and Indigeneity in Post-Colonial China," Cultural Survival, October 31, 1997, <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/question-minority-identity-and-indigeneity-post-colonial>.

<sup>158</sup> Jens Korff, "Native Title," Creative Spirits, December 5, 2021, <https://www.creativespirits.info/aboriginalculture/land/native-title#19821992-native-title-is-born-the-mabo-case>.

<sup>159</sup> William B Henderson, "Indigenous Self-Government in Canada"

<sup>160</sup> Gaspar Fox Jonathan, "Indigenous Rights and Self-Determination in Mexico," Cultural Survival, March 26, 2010, <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/indigenous-rights-and-self-determination-mexico>.

<sup>161</sup> "United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD)," United Nations, <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>.

<sup>162</sup> "Inuit (Greenlanders)," Minority Rights Group, February 5, 2021, <https://minorityrights.org/minorities/inuit-greenlanders/>.

<sup>163</sup> "Indigenous Self-Governance in Bolivia," John D. Cameron, July 28, 2018, <https://johndcameron.com/indigenous-self-governance-in-bolivia/>.

<sup>164</sup> Environment and Climate Change Canada, "Introducing the New First Nations Guardians Network," Canada.ca, December 9, 2022, <https://www.canada.ca/en/environment-climate-change/news/2022/12/introducing-the-new-first-nations-guardians-network.html>.



## Historical Analysis

Following the release of the Doctrine of Discovery by Pope Nicholas V, Spain, England, and Portugal established a framework for colonialism.<sup>165</sup> This doctrine served as international law that allowed European settlers to claim “vacant land,” which was defined as land yet to be occupied by Christians. Although North America was occupied by 100 million Indigenous people—one-fifth of the global population at the time—they were not considered people due to the absence of Christianity as their practiced religion. As a result, all Indigenous territories and populations were considered under the rule of settlers.

Before contact with European settlers, the approximately 617 Indigenous communities of the Americas had complete autonomy over self-governance within their respective groups of people.<sup>166</sup> Communities or individuals lived primarily off of their surrounding land, having developed hunting and gathering, building, and culturally rich artistic traditions that made up many people’s ways of life. Collective systems allowing for alliances and treaties between communities were also common. While living in territorial boundaries, Indigenous societies created trading networks and routes between one another to increase the spread of culture and resources.<sup>167</sup>

Within these self-governing bodies, Indigenous populations used diverse forms of establishing leadership, oftentimes through hereditarily passing on leadership status. Though now referred to as Chiefs in modern media, various terms of acknowledgment were used by different Indigenous groups; the term “Chief” was given by European settlers to refer to Indigenous leaders to ease communication surrounding the fur trade.<sup>168</sup> Between positions of leadership were also varying levels of responsibility and roles. Some communities, such as the Cree Nations, traditionally had minor and head chiefs to split community oversight between multiple community members.<sup>169</sup> However, formal leadership was not present in every Indigenous society. The Dene People of the Canadian North and American Southwest Regions had some individuals being followed as leader-like figures due to their strong leadership abilities in “areas like hunting, trading, and war.”<sup>170</sup> These leadership roles meant carrying out duties in relation to what they were positioned for. For example, a leader in hunting would specifically lead tasks related to hunting for food and developing weapons.

In post-colonial times, settlers that gained independence established formal governments. Although much of the Americas and African colonies owned by colonizers were originally made up of oligarchies of small ruling bodies of wealthy and powerful people, colonies slowly moved away from oligarchical rule. Instead, they adopted

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<sup>165</sup> Bob Joseph, “Indigenous Title and the Doctrine of Discovery,” Indigenous Corporate Training Inc., June 6, 2023, <https://www.ictinc.ca/blog/indigenous-title-and-the-doctrine-of-discovery#>

<sup>166</sup> “First Nations,” Facing History & Ourselves, July 28, 2020, <https://www.facinghistory.org/en-ca/resource-library/first-nations>.

<sup>167</sup> Adam Babin, Anissa Goupil, and Susan Manitowabi, “Ojibwe Life before the Arrival of the Europeans,” Historical and Contemporary Realities Movement Towards Reconciliation, <https://ecampusontario.pressbooks.pub/movementtowardsreconciliation/chapter/ojibwe-life-before-the-arrival-of-the-europeans/>.

<sup>168</sup> Amanda Robinson, “Chief,” The Canadian Encyclopedia, November 6, 2018, <https://www.thecanadianencyclopedia.ca/en/article/chief>.

<sup>169</sup> “Cree - Civilizations/Leaders - Civilization VI,” Civopedia, [https://www.civopedia.net/rise-and-fall/civilizations/civilization\\_cree](https://www.civopedia.net/rise-and-fall/civilizations/civilization_cree).

<sup>170</sup> Amanda Robinson, “Chief,” The Canadian Encyclopedia, November 6, 2018, <https://www.thecanadianencyclopedia.ca/en/article/chief>.

various forms of constitutions and began establishing what would eventually develop into various forms of modern governments.<sup>171</sup>

Currently, most Indigenous people worldwide live under the policies and laws of their country's governmental systems such as healthcare, education, and criminal justice systems. Although minor forms of reconciliation have been pushed forward in recent pursuits of decolonization, oppressive regimes that have historically not been under direct influence from colonial European nations are often discriminatory and violent towards their Indigenous peoples. The Tibetan and Uyghur communities in China, for example, face human rights abuses, while the treatment of the rest of their ethnic minority population remains untransparent to international eyes.<sup>172</sup> The Chinese government has pushed abusive assimilation policies to rid religious and cultural practices of the Tibetan and Uyghur peoples to collectivize a National Chinese identity. Moreover, in countries under military rule, Indigenous communities are unable to exercise rights freely, suffering under the oppressive policies of regimes that push forward ideals of one collective identity, as seen through the Rohingya genocide in Myanmar.

<sup>173</sup>

## Past UN/International Involvement

### UNDRIP Articles 3 and 4

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly in 2007.<sup>174</sup> Since then, countries that have previously voted against the declaration have changed their stances: namely, Australia, Canada, the United States, and New Zealand.<sup>175</sup> Now used as an international framework for the comprehensive rights of Indigenous communities, UNDRIP is a significant example of UN involvement in Indigenous issues. Within the declaration itself, Articles 3 and 4 directly recognize the self-governing rights of Indigenous Peoples.

Article 3 of UNDRIP recognizes that “Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development.”<sup>176</sup> Although general, this article formally establishes the rights of political associations that Indigenous communities may choose to have with existing governments. The freedoms to pursue economic, social, and cultural development highlight individual rights to work, learn, and freely exercise cultural, religious, and traditional ways of life in accordance with existing government laws. Furthermore, this creates gray areas where current government protections and self-determined societal structures may overlap. While Article 3 of

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<sup>171</sup> Overview: The New Nation, 1783 - 1815 : U.S. History Primary Source Timeline : Classroom Materials at the Library of Congress : Library of Congress,” The Library of Congress, <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/new-nation-1783-1815/overview/>.

<sup>172</sup> “China, Tibet, and the Uyghurs,” China, Tibet, and the Uyghurs " world without genocide - making it our legacy, <https://worldwithoutgenocide.org/genocides-and-conflicts/genocide-of-the-uyghurs-in-western-china/china-tibet-and-the-uyghurs>.

<sup>173</sup> “Home,” Asian Century Institute, November 15, 2014, <https://asiancenturyinstitute.com/society/804-asia-s-indigenous-peoples>.

<sup>174</sup> “United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD),” United Nations, <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

<sup>175</sup> “United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD)”

<sup>176</sup> Legislative Services Branch, “Consolidated Federal Laws of Canada, United Nations Declaration on the Rights of Indigenous Peoples Act,” United Nations Declaration on the Rights of Indigenous Peoples Act, July 7, 2023, <https://laws-lois.justice.gc.ca/eng/acts/U-2.2/page-2.html#>

UNDRIP allows for implicit political involvement through the determination of their “political status,” it fails to lay out a comprehensive framework for involving Indigenous communities in politics. For instance, it does not specify ways in which Indigenous communities may be given access to political rights such as parliamentary representation, Native status, or other various terms used to define legal Indigenous status in a country. While somewhat ambiguous, Article 3 of UNDRIP still encourages basic rights to self-advocate for cultural and social practices.

Article 4 of UNDRIP is comparatively more specific in how self-governance can be granted to Indigenous communities. Specifically, it highlights how “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”<sup>177</sup> UNDRIP stands for self-determination at its core, and as a result, the pursuit of autonomy and self-governance are some of its most important goals. In Article 4, the areas of self-governance are noted as anything that is chosen to be exercised by the Indigenous community.<sup>178</sup> While autonomous governance and the creation of fully autonomous regions or Indigenous parliaments are greater levels of Indigenous independence—such as the Indigenous dominant parliament in the autonomous region of Greenland—localized control is more commonly adopted. Singular bands, communities, or Indigenous identities in a collective region can form structures of leadership at their own discretion, and allow those leaders to make decisions regarding localized issues such as deterring internally committed crimes (legal developments), environmental conservation of their lands, and traditional practices used in daily lives.

## UNPFII

The United Nations Permanent Forum on Indigenous Issues was established in July 2000 with the goal of being an advisory body to the United Nations Economic and Social Council (ECOSOC).<sup>179</sup> Although the UNPFII itself does not pursue much of the humanitarian work on the ground, ECOSOC coordinates policies that aid its 14 specialized agencies’ targeted groups. Currently, the UNPFII stands as the only global body for the discussion of Indigenous rights and issues.<sup>180</sup> Most recently, the UNPFII held its 22nd session on April 17–18, discussing issues surrounding the theme of “Indigenous Peoples, human health, planetary and territorial health and climate change: a rights-based approach.”<sup>181</sup>

In relation to increased rights of political self-determination, the UNPFII aids with two major areas: giving advice to ECOSOC to fund external Indigenous organizations on their projects, and promoting the integration of Indigenous participation and activities within the United Nations as a whole.<sup>182</sup> As global recognition for the rights of Indigenous people is growing, delegations of the UNPFII must sustain healthy discussions over various

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<sup>177</sup> Legislative Services Branch, “Consolidated Federal Laws of Canada, United Nations Declaration on the Rights of Indigenous Peoples Act”

<sup>178</sup> United Nations Declaration on the Rights of Indigenous Peoples and In Plain Sight: Addressing Indigenous-Specific Racism and Discrimination in B.C. Health Care, <https://engage.gov.bc.ca/app/uploads/sites/613/2021/03/UNDRIP-and-IPS-FINAL.pdf>.

<sup>179</sup> “Permanent Forum on Indigenous Issues for Indigenous Peoples,” United Nations, <https://www.un.org/development/desa/indigenouspeoples/about-us/permanent-forum-on-indigenous-issues.html>.

<sup>180</sup> “UN Permanent Forum on Indigenous Issues (UNPFII): Inuit Circumpolar Council Canada,” Inuit Circumpolar Council Canada | United Voice of the Arctic, May 4, 2020, <https://www.inuitcircumpolar.com/icc-activities/united-nations-and-human-rights/un-permanent-forum-on-indigenous-issues/>.

<sup>181</sup> “Unpfii Twenty-Second Session: 17-28 April 2023 | Division for Inclusive Social Development (DISD),” United Nations <https://social.desa.un.org/issues/indigenous-peoples/unpfii/unpfii-twenty-second-session-17-28-april-2023>.

<sup>182</sup> “What Is the Permanent Forum?,” Yanapaq Recomendaciones para las Cuestiones Indígenas de UNPFII, <https://yanapaq.info/en/permanent-forum/#:~>

areas of Indigenous participation. Due to the current lack of international actions towards decolonization, environmental preservation, and tackling high rates of mortality amongst Indigenous populations, an increase in Indigenous participation in international bodies may create urgency and push for solutions.

## Current Situation

### Political Involvement

From involvement within existing governmental parliaments to the formation of Indigenous governments and organizations, many self-governing paths currently exist based on how an Indigenous community has chosen to operate. For example, chiefs in some communities are democratically elected, while others are selected based on hereditary systems. Due to existing government biases towards colonial systems, oftentimes, communities with hereditary and elected chiefs face issues of misrepresentation.<sup>183</sup> A lack of access to elections, mixed with varying priorities between elected chiefs—who hold political influences—and hereditary chiefs—who often have stronger connections to their land and people—create conflict, as observed in the 2019 Wet’suwet’en protests in Canada.<sup>184</sup> Within these protests, the Wet’suwet’en people were divided between whether a pipeline should be built in their territory, with some believing in the importance of a growing national economy (under the influence of their elective chief), while others disagreed and stood with their hereditary chief’s opposition.

In states that recognize Indigenous civilians as legal citizens, negotiations for modern treaties between communities and the government are increasingly more common; these States include Canada, Malaysia, New Zealand, and the United States. Instead of complete self-governance in all areas, many Indigenous communities and individuals are under the legal protection of the state.<sup>185</sup> When matters pertaining to Indigenous rights surface, such as infrastructural projects on sacred lands, poverty relief, employment, and increasing access to healthcare in rural regions, Indigenous civilians hold political power through individual voting powers and independent political organizations.<sup>186</sup>

Areas for governance are also different between communal preferences and decisions made by their respective chiefs. Various models of governance exist, including small-scale community interest models that grant governing powers over policies and systems within groups of people that still depend on the federal government for social services such as healthcare, social welfare, and education. Other forms of self-governance can look like governing rights granted to a chief of larger, less urban areas, allowing them to be the sole negotiator between the government and several communities they look over in a greater region.

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<sup>183</sup> Admin, “Hereditary Chiefs versus Elected Chiefs,” Hereditary Chiefs versus Elected Chiefs, June 6, 2023, <https://www.ictinc.ca/blog/the-difference-between-hereditary-chiefs-and-elected-chiefs>.

<sup>184</sup> Shreya Shah, “Wet’suwet’en Explained,” The Indigenous Foundation, July 26, 2022, <https://www.theindigenousfoundation.org/articles/wetsuweten-explained>.

<sup>185</sup> Ruslan Garipov, “Ruslan Garipov: Indigenous Peoples’ Protection in International Law; Indigenous Peoples’ Rights Protection in Russia and the US,” Wilson Center, <https://www.wilsoncenter.org/blog-post/ruslan-garipov-indigenous-peoples-protection-international-law-indigenous-peoples-rights>.

<sup>186</sup> “Home,” Overview of Indigenous governance in Canada: Evolving relations and key issues and debates | Linking Indigenous Communities with Regional Development in Canada | OECD iLibrary, 2020, <https://www.oecd-ilibrary.org/sites/b4446f31-en/index.html?itemId=%2Fcontent%2Fcomponent%2Fb4446f31-en>.

## Rural Governance

Though many Indigenous populations have slowly moved to urban areas under colonial rule, rural communities, such as the rainforest communities of the Amazon, still exist. Of the world's 300 million Indigenous people, 50 million are dependent on tropical rainforests for their survival.<sup>187</sup> Indigenous ethnic groups that inhabit the rainforests are mostly self-governing, living by generationally passed-on laws of environmental conservation and cultural practices. However, due to the disconnect between local governments and rural and self-governing communities, it is often difficult for Indigenous communities to intervene and voice their opinions on larger scale climate policies. Deforestation is a major ongoing issue as governments are enacting forceful removal of communities to clear out plots of land for various industrial projects. Some Indigenous lands and governing bodies are also legally unrecognized. The Penan people, for example, remain the last hunter-gatherer tribe of Southeast Asia, yet they do not have the political voices to push back against the Malaysian government's destruction of their forests. Peng Megut, one of the last nomads of the Borneo region, is currently fighting back against plantation projects set to be developed on traditional lands.<sup>188</sup> Thus, even with thriving self-governing communities, rural Indigenous populations suffer from a lack of opportunities to cooperate with the government.

## Case Study: Greenland

With a 88.9% Inuit population in Greenland, the majority of its government is comprised of Indigenous people.<sup>189</sup> Greenland, also known as Kalaallit Nunaat, is made up of three distinct Indigenous communities: the Kalaallit of West Greenland, the Tunumi-it of Tunu (East Greenland), and the Inughuit/Avanersuarmit of the north. While each group of people has their distinct mother tongue, Kalaallisut—Greenland's official language—is the most widely spoken.

Although Greenland is considered an autonomous region, Denmark still retains some control and provides annual block grants (provided as federal assistance for broad functions) to Greenland.<sup>190</sup> Hence, much of the governmental structures, though dominated by Indigenous leaders, come from Danish influences.<sup>191</sup> Currently, Greenland's government leaders form a democratically elected assembly known as the Inatsisartut, the Greenlandic parliament.<sup>192</sup> Furthermore, formal governmental administration is also led by the Naalakkersuisut, the Greenlandic government. Due to the passing of the Self-Government Act, the composition and regulations of government structures are in the hands of the new government authorities (people in position of power over this autonomous territory) to self-determine the best course of action.<sup>193</sup>

Under self-governance, communities in Greenland suffer similar problems as other Indigenous communities around the world, such as limited access to mental healthcare and higher mortality rates. However, they are seeing slow and steady improvements in their everyday lives. Although ongoing issues of lower life expectancy,

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<sup>187</sup> Zoe Kanga, "Honoring Indigenous Peoples and Local Communities on World Rainforest Day," Earth Day, June 22, 2022, <https://www.earthday.org/honoring-indigenous-peoples-and-local-communities-on-world-rainforest-day/>

<sup>188</sup> Zoe Kanga, "Honoring Indigenous Peoples and Local Communities on World Rainforest Day"

<sup>189</sup> "The Indigenous World 2023: Kalaallit Nunaat (Greenland)," IWGIA <https://www.iwgia.org/en/kalaallit-nunaat-greenland.html#>

<sup>190</sup> "Denmark - Other Areas in the Kingdom of Denmark," International Trade Administration | Trade.gov, November 13, 2022, <https://www.trade.gov/country-commercial-guides/denmark-other-areas-kingdom-denmark#>

<sup>191</sup> "Greenland: The World's Largest Island," Denmark.dk, <https://denmark.dk/people-and-culture/greenland#>

<sup>192</sup> "Greenland," Gå til forsiden, <https://english.stm.dk/the-prime-ministers-office/the-unity-of-the-realm/greenland/>.

<sup>193</sup> "Denmark - Other Areas in the Kingdom of Denmark,"

high mortality rates, and access to education continue to be prevalent in Greenland, Greenlanders have complete autonomy over their decision-making processes.

### **Case Study: Russia**

Russia's Indigenous populations are currently not protected under formal state laws, but they inhabit many autonomous regions.<sup>194</sup> Gaining Indigenous recognition under Russian law allows for legal protection such as access to police protection, but it restricts communities to be directly under the Russian government.<sup>195</sup> Currently, there are over 100 ethnic minority groups in Russia, but only 41 of them are legally recognized as the Indigenous Peoples of the North, Siberia, and the Far East.<sup>196</sup> To gain legal identification as Indigenous, communities must be under 50,000 members and inhabit remote areas while practicing a traditional way of life. Due to larger ethnic groups being outside of this legal identity, many Indigenous peoples continue to receive little legal recognition of their Indigenous title.<sup>197</sup>

Although Russia's Indigenous population only makes up around 2% of its total population, they inhabit around two-thirds of Russia's entire territory.<sup>198</sup> Living in rural regions of Russia, most communities share similar traits of nomadic lifestyles, using hunting, foraging, and herding to survive.<sup>199</sup> Nomadic communities such as the Enets travel to different areas depending on changes in climate and seasonal changes.<sup>200</sup>

Indigenous leaders of Russia are currently becoming more involved politically while maintaining mostly autonomous leadership over their communities. Various communities have begun advocating for more control over their land and have sought to renegotiate with the Russian government.<sup>201</sup> Ongoing land challenges in the Russian North have led to native leaders demanding negotiating powers with Russian leadership and the publicization of ongoing communal issues through oppressive policies.<sup>202</sup> These negotiations could potentially proliferate Indigenous recognition by the Russian government.

## Possible Solutions and Controversies

### **Localized Governance with Federal Support**

One of the most common and effective ways to implement Indigenous self-governance is through localized, internal governments. Before settlers stripped away large areas of land occupied by Indigenous communities,

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<sup>194</sup> "Who Are the Indigenous Peoples of Russia?," Cultural Survival, February 20, 2014, <https://www.culturalsurvival.org/news/who-are-indigenous-peoples-russia>.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> "Enets," Encyclopædia Britannica, <https://www.britannica.com/topic/Enets>.

<sup>201</sup> Gail Poelzer Greg, "Indigenous Peoples of the Russian North," Cultural Survival, March 25, 2010, <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/indigenous-peoples-russian-north>.

<sup>202</sup> Arbakhan Magomedov, "Where Is Our Land?: Challenges for Indigenous Groups in the Russian Arctic," Wilson Center, <https://www.wilsoncenter.org/blog-post/where-our-land-challenges-for-indigenous-groups-the-russian-arctic>.

internal affairs amongst different communities were already common.<sup>203</sup> Legally, this means that a country's government would recognize Indigenous communities' political workings and establish ways to federally support them as well.<sup>204</sup> Indigenous leaders may make local decisions and base social, political, and economic structures on traditional practices that were generationally handed down and still commonly used. Specifically, Indigenous peoples would retain control over how leaders are chosen, leadership responsibilities within their community, systems of trade, regulations surrounding the use of their natural lands, and justice systems that are internal and used at the governing body's discretion.<sup>205</sup> Politically, how each individual Indigenous community exercises its systems of governance may be different, and each community may hold different perspectives on the best forms of government.

Outside of the powers that Indigenous communities hold to govern themselves, localized governments also entail some level of federal support. Due to each country's history of colonialism, inhabitants are often left without proper access to basic resources.<sup>206</sup> Communities often lack clean water, proper education, and mental healthcare.<sup>207</sup> Hence, a country's formal government should push for the development of areas of need that community leaders feel are necessary. Cooperation between Indigenous communities and their government could tackle many of the pressing internal issues that Indigenous people themselves may not have the capital to resolve.

### **Increased Government Representation**

Due to the historical displacement of many indigenous populations and the urbanization of traditional lands,<sup>208</sup> many Indigenous peoples live in urban areas including the megacities of their own country. Living in urban areas means that many live under their country's governing body, and may be outside of the lands that they have ancestral ties to. Therefore, depending on where Indigenous populations reside, it is difficult to hold leadership responsibilities over Indigenous issues without being involved in their country's existing governments. Indigenous peoples may either integrate the political structures used by their nation's colonial power into their own systems such as band-councils, and quasi-judicial adjudicative panels, or become involved in modern politics through direct government participation in governing institutions such as holding office.<sup>209</sup>

The biggest issue that may arise with representation is that it is difficult for political voices to be heard, especially with minority representation. Although Greenland is an extreme example because its government is almost completely made up of Indigenous representatives, it serves as a great case study for how colonial systems of government may be integrated to fit Indigenous politics.<sup>210</sup> Outside of regions with dominant indigenous governments such as Greenland, municipal, provincial and statewide, and federal levels of government are

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<sup>203</sup> Robert Lee Nichols, "Indigenous Governance," Encyclopædia Britannica, <https://www.britannica.com/topic/indigenous-governance>.

<sup>204</sup> Robert Lee Nichols, "Indigenous Governance"

<sup>205</sup> Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, "Self-Government," Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, August 25, 2020, <https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314>.

<sup>206</sup> "Indigenous Peoples"

<sup>207</sup> "Indigenous Peoples"

<sup>208</sup> Pablo Cortés Ferrández and Vincent Fung, "When Land, Knowledge and Roots Are Lost: Indigenous Peoples and Displacement" (Internal Displacement Monitoring Centre, August 2021).

<sup>209</sup> Robert Lee Nichols, "Indigenous Governance"

<sup>210</sup> "Denmark and Greenland: Un Expert Calls for Greater Effort to Create Inclusive Societies," OHCHR, February 10, 2023, <https://www.ohchr.org/en/press-releases/2023/02/denmark-and-greenland-un-expert-calls-greater-effort-create-inclusive>.

usually composed of the dominant groups of their countries.<sup>211</sup> Therefore, this solution can only work as a slow, gradual process.

Quotas may be implemented to allow for an increase in the number of Indigenous representatives in government, which can be implemented by allocating a percentage of individual parties to Indigenous peoples in order to integrate Indigenous voice. As a starting point for increasing the number of Indigenous people in political offices, quotas may not fully change the government's existing perceptions and stigmas which could create challenges for Indigenous participation. Upon implementing quota-based measures, the responses of a country's governing body and other perspectives should be considered.

## **Autonomous Regions**

Autonomous regions run by Indigenous groups are rarely seen in contemporary politics. Currently, outside of areas that are completely unrecognized, such as various ethnic groups in Russia and island inhabitants outside of modern reach such as the North Sentinel Island, Indigenous communities are rarely fully separated from the state.<sup>212</sup> For example, while Nunavut stretches across predominately Inuit territory, the federal government of Canada still claims government responsibilities over the territory.<sup>213</sup> Due to the scarcity of completely autonomous regions, it is far more feasible to implement similar co-existing measures such as the one in Nunavut, Canada. By providing territorial rights to the community while still maintaining federal government responsibilities over the area, communities can maintain access to federally provided social welfare. In this system, autonomous territorial governments would work in tandem with federal governments to tackle local issues. While it is difficult for governments to create fully autonomous regions for Indigenous peoples, having regions with high levels of self-governance with some level of government involvement works rather efficiently.

## Bloc Positions

### **Europe**

Much of Europe's regions are not occupied by Indigenous communities, and the only recognized Indigenous people of Europe are the Saami peoples.<sup>214</sup> Inhabiting Sweden, Finland, Norway, and Russia, the Saami people began involving themselves politically in the 20th century, eventually creating the Nordic Saami Council in 1956.<sup>215</sup> As a result of historical injustices committed by European nations that have harmed Indigenous populations worldwide, European countries are now in the process of decolonization through cooperating with international

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<sup>211</sup> "Indigenous Peoples Must Have Full Representation, Participation in Decisions Affecting Their Territory, Governance, Speakers Stress at Permanent Forum | UN Press," United Nations, <https://press.un.org/en/2023/hr5477.doc.htm>.

<sup>212</sup> Mansur Mirovalev, "In Russia, Indigenous Land Defenders Face Intimidation and Exile," Indigenous Rights | Al Jazeera, May 10, 2022, <https://www.aljazeera.com/features/2022/1/23/in-russia-indigenous-land-defenders-face-intimidation-and-exile>.

<sup>213</sup> Kenneth John Rea, "Settlement Patterns," Encyclopædia Britannica, <https://www.britannica.com/place/Nunavut/Settlement-patterns#ref261183>.

<sup>214</sup> Elisabeth RoyTrudel, Leena Heinämäki, and Philipp Kastner, "Despite Gains, Europe's Indigenous People Still Struggle for Recognition," *The Conversation*, June 20, 2023, <https://theconversation.com/despite-gains-europes-indigenous-people-still-struggle-for-recognition-54330#>

<sup>215</sup> "Saami in the Barents Region," WWF Arctic, April 28, 2022, <https://www.arcticwwf.org/the-circle/stories/saami-in-the-barents-region/>.



bodies such as voting in favour of the integration of UNDRIP.<sup>216</sup> Outside of providing economic and political aid to countries with greater Indigenous populations, the European bloc has very little involvement in implementing recognition of autonomous Indigenous governments.

### **The Americas and Australia**

This bloc consists of Canada, the United States, Mexico, Australia, Brazil, and all other nations in both North and South America—countries with Indigenous communities that have faced strong colonial detriments from Europe. Although existing government policies vary from country to country, this bloc holds very similar self-governing policies, which involves Indigenous governing structures with certain levels of autonomy operating alongside their respective national governments. With large Indigenous populations, communities may have differing governance structures depending on whether they reside in rural or urban areas. Amongst rural inhabitants, primarily in the rainforests of Brazil and other South American countries, governments are less involved in the traditional ways of life and thriving political communities that many Indigenous groups have built on for centuries pre-colonial times. Inhabitants of areas that countries' federal governments usually do not reach may not have explicit policies or regulations on how their people may live, yet work in role-divided communities without hierarchies of leadership. The Desana people of Colombia, for example, have shamans that connect with external affairs, yet depend on one another within the community for resources.<sup>217</sup> Governments with large rural Indigenous populations should consider possible benefits and drawbacks of forming greater connections as a means to obtain greater Indigenous political powers. Rural communities hold a variety of perspectives around cooperation with their federal governments. In this same bloc, communities that have faced displacement or land infringement may be more populated in urban centers. As a result, countries such as Canada, the United States, and Australia, may work towards the incorporation of more Indigenous participation within their respective governments. Different Indigenous communities already have leaders either electorally voted in or chosen by their community through various means that make them a vessel for negotiations with current government officials. Should they choose, countries in this bloc may want to further political involvement as a support of UNDRIP and its 3rd and 4th articles detailing self-governance and autonomy.

### **Africa**

Like the Americas, the African bloc was also colonized, leading to a shift towards colonial social and political structures. Countries in this bloc include the Congo, Niger, Tanzania, Uganda, Nigeria, and Cameroon; most African countries have distinct ethnic groups, but some countries such as Nigeria, have greater tribal diversity—the country currently inhabits around 520 tribal groups.<sup>218</sup> Ethnic groups are greater, culturally distinct groups of which have people that share common national or cultural tradition, while tribal groups are commonly social divisions of communities linked by blood and traditional culture and leadership systems. While many African

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<sup>216</sup> "Historical Overview for Indigenous Peoples," United Nations, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples/historical-overview.html>.

<sup>217</sup> Gerard Reichel Dolmatoff, ". ." Encyclopedia of World Cultures. . Encyclopedia.Com. June 30, 2023 <<https://Www.Encyclopedia.Com>>., " Encyclopedia.com, <https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/desana>.

<sup>218</sup> Lize Okoh, "A Guide to the Indigenous People of Nigeria," Culture Trip, October 4, 2018, <https://theculturetrip.com/africa/nigeria/articles/a-guide-to-the-indigenous-people-of-nigeria/>.

countries are no longer under the British crown, their governments function with many Western influences. Currently, governments in African countries include presidential and parliamentary republics, semi-presidential republics (with an existing prime minister working alongside a president), and some monarchies.<sup>219</sup> With assimilation tactics pushed by early conquerors, Indigenous communities have lost much of their culture. Therefore, cultural preservation as a result of a gradual loss in Indigenous and tribal customs should be a priority of countries in the African bloc. As well, federal governments may choose to become more active on the international stage, potentially aiding in the enforcement of self-governing policies and foreign aid for the general development of less economically powerful African nations.

## **Asia**

Three quarters of the world's Indigenous population currently lives in Asia, making this bloc the most culturally diverse.<sup>220</sup> Indigenous people can be found in almost every Asian country, including China, Korea, Vietnam, Myanmar, Vietnam, Cambodia, Thailand, Sri Lanka, Laos, and India. While there are many different Indigenous groups in Asia, many countries do not formally recognize Indigenous peoples, either stripping them of legal ethnic identities or in extreme cases, using assimilating mechanisms to form collective cultural identities. Myanmar and China, for example, are currently under international scrutiny for religious genocides committed against ethnic minorities in the region.<sup>221</sup> Strings of revolutions and other historical influences in Asia that led to the formation of modern governments have caused ethnic tensions between Indigenous communities and the majority cultural identity. Although voting in favour of UNDRIP, many Asian countries have not met the standards pertaining to the autonomy of ethnic groups and their political rights and involvement. Depending on the existing structures of government in Asia (e.g. parliamentary republics, communist states, and monarchies), delegates may stand for or against different levels of self-governing rights given to Indigenous communities.

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<sup>219</sup> Douglas Matus, "Types of Government in Africa," Synonym, June 27, 2018, <https://classroom.synonym.com/types-of-government-in-africa-12081401.html>.

<sup>220</sup> "Asia's Indigenous Peoples," Asian Century Institute, November 15, 2014, <https://asiancenturyinstitute.com/society/804-asia-s-indigenous-peoples>.

<sup>221</sup> "Who Are the Uyghurs and Why Is China Being Accused of Genocide?," BBC News, May 24, 2022, <https://www.bbc.com/news/world-asia-china-22278037>.

## Discussion Questions

1. What were the prominent pre-colonial forms of governance of Indigenous communities in your country?
2. How are Indigenous populations currently involved politically, if at all? How effective has this political involvement been?
3. What rights have been passed by your country's government in recognition of Indigenous self-determination?
4. What possible governing rights do the Indigenous populations of your country wish to attain or reclaim?
5. What are areas within your country's constitution or formal independent document that create challenges for Indigenous Peoples' governing autonomy?
6. Have autonomous regions already been established, and if not, what levels of self-governance currently exist with which communities and regions?
7. How do communities claim legal recognition of their Indigenous titles, and what privileges and government protections do those titles provide?

## Additional Resources

United Nations Declaration on the Rights of Indigenous Peoples:

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

Office of the United Nations High Commissioner for Human Rights:

<https://www.ohchr.org/en/indigenous-peoples/about-indigenous-peoples-and-human-rights>

Asia's Indigenous Peoples:

<https://asiancenturyinstitute.com/society/804-asia-s-indigenes-peoples>

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