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GA3: Social, Cultural and Humanitarian (SOCHUM)

Research Report

Topic 2: The question of preserving the culture of indigenous peoples



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Introduction

Indigenous people are among one of the many minorities in our society, and even if we don't often hear it in the news, their culture is endangered by the rising populism and an aggressive globalization. Indigenous populations refer to, according to the WHO, 'communities that live within, or are attached to, geographically distinct traditional habitats or ancestral territories, and who identify themselves as being part of a distinct cultural group, descended from groups present in the area before modern states were created and current borders defined.' [2]

Currently, in the world, the UN states that there are about 370 million indigenous people, making up one third of the 900 million rural people in the world who are classified as extremely poor. [3] This report will give a brief overview of the history of this topic, as well as discuss past and possible solutions to this issue of the threat to the rights of indigenous peoples.

Key Terms

Indigenous: "Originating or occurring naturally in a particular place; native." [4]

People: Group of people, e.g. "the native American people" refers to the people known as the Native Americans [1]

Peoples: Group of populations, e.g. "the native American peoples" refers to the tribes that lived in America prior to Columbus' arrival [1]

Brutal Savage: A myth "based on the false assumption that tribal people are dangerous and live in a chronic state of violence" [5]

Noble Savage: A myth based on "an idealized view of tribal peoples as uncorrupted by "civilization" that relies on the false assumption that tribal peoples resemble our human ancestors, in their original, "primitive" state." [5]

Colonisation: “The action or process of settling among and establishing control over the indigenous people of an area.” [4]

Marginalisation: “Treatment of a person, group, or concept as insignificant or peripheral.” [4]

League of Nations: “The forerunner of the United Nations, ceased its activities after failing to prevent the Second World War.” [13]

Context

Indigenous people are found all across the globe, from the Arctic to the South Pacific. However, throughout history, whenever neighbouring people or far away settlers came to acquire their land by force, the culture, history and even existence of indigenous people became threatened.

This goes way back to 1494, where European countries such as Portugal and Spain began building colonial empires all over the world. This was the first time people decided to categorise the different people living in the land they owned, which led to the concepts of indigenous and colonised peoples.

As time went on, more and more European countries began to colonise places all over the world. However, in 1884-1885, for the first time, the colonialist European powers at the Berlin Africa Conference met to discuss the future of the territories and the people in Africa that they ruled. The conference also included the first international document in which the protection of indigenous peoples was mentioned. At this time, the term ‘indigenous’ was defined as people who were not citizens of these European powers, but lived in the occupied territories.

The next time indigenous peoples’ rights were discussed was at the League of Nations in 1920. In its Covenant, Article 22 discussed the European countries’ duty to protect the well-being of indigenous people that resided in the territories which colonial Europe ruled. The

article kept the same definition for the term 'indigenous' that had been used in the past, but added an extra qualification that they were "not yet able to stand by themselves under the strenuous conditions of the modern world". This was used to consider the amount of help and supervision that would be provided to certain indigenous people.

However, soon after the covenant, many indigenous leaders began to complain to the League of Nations, stating that their rights had been violated and that they should live under their own laws. One example is Chief Deskaheh, who claimed that the Canadian Indian Office imposed racist laws and never enacted their 'promise of protection'. The cases were all domestic, so the League never presented them with an audience, but the leaders of many indigenous groups began spreading awareness about the violation of their rights. Chief Deskaheh did so by distributing pamphlets in London saying 'Chief Deskaheh tells why he is over here again'.

At around the same time, the International Labour Organisation (ILO) began investigating various cases in which indigenous peoples' rights were being violated. One study was on the use of indigenous people as slaves in Bolivia and Peru. These studies caused the ILO to establish the Committee of Experts on Native Labour, which continued to investigate such cases and held several conventions over the years. In 1953, they also conducted a survey that led to the publication of 'Indigenous People: Living and Working Conditions on Aboriginal Populations in Independent Countries'. This was the first major publications that documented the way indigenous people were abused during recruitment. However, the term 'indigenous' was never explicitly defined.

In the 1940s, the United Nations also began conducting studies. In 1949, the first debate on indigenous issues was conducted when Bolivia suggested to come up with a subsection of the Economic and Social Council that researched the condition of indigenous people in the Americas. What ended up occurring was Resolution 275 (III), which made the UN and ILO

cooperate and study the conditions of “aboriginal populations” and to establish the Andean Indian Program to “bring development” to these populations. The resolution was also an important step in redefining indigenous peoples as a different group of people socially rather than just geographically, with their own rich history and culture.

As the United Nations started to become more and more involved in the protection of the rights of indigenous peoples, in 1978, the World Conference to Combat Racism and Discrimination also officially first endorsed indigenous people’s rights. This led to in 1982, the founding of the UN Working Group on Indigenous Populations, short WGIP. Their main aim was to set standards against the continued internal colonisation of natives. Additionally, they would leave space to discuss development in cultures. This was a huge turning point in the matter as it was the first time the UN allowed a group of people who did not represent an accredited NGO, a government, or the UN and other international and regional bodies to participate and contribute in a Working Group, which made it much easier for indigenous people to have their claims and complaints be properly heard and acknowledged.

In 1985, the General Assembly passed a resolution that established a UN Voluntary Fund which assisted the WGIP representatives. Moreover, the same year, the Declaration on the Rights of Indigenous people was drafted. It was, however, only worked on by a Working Group in 1995, which was followed by both indigenous people and the state being extensively involved in working on the draft Declaration.

While this was happening, another major breakthrough occurred: The Economic and Social Council (ECOSOC) created the Permanent Forum of Indigenous issues. This allowed indigenous people from all over the world to discuss and meet on a regular basis. They were able to realise that even though they were from different parts of the world, many of the issues that each tribe faced were very similar. This forum also allowed them to create a global

indigenous movement which can be used to influence legal instruments to change policies.

[7] On the 13th September 2007, the Declaration on the Rights of Indigenous Peoples was finally adopted by the General Assembly. According to the UN Development of Economic and social affairs, there was a majority of 144 states in favour, 4 votes against (Australia, Canada, the United States, and New Zealand) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). Since the adoption of the Declaration, Australia, New Zealand, United States and Canada have all reversed their positions and expressed support for the Declaration. Colombia and Samoa have also endorsed the Declaration. [8]

Major Actors

Countries

- **Uganda:** The indigenous peoples of Uganda include the Benet, the Batwa, the Ik, the Karamojong and the Basongora, although the Ugandan Government does not specifically recognize them as indigenous people, which has caused some issues. [3]
- **Canada:** Many provinces in Canada, specifically the province of British Columbia, has been affected by violence against indigenous people. There have been several reports where indigenous girls and women have gone missing or been murdered due to failure to address the protection of indigenous people. The NWAC documented about 582 of these cases. [11]
- **Kenya:** over one quarter of their population is indigenous.
- **China:** China has been known for the eradication of indigenous people from within its borders: Muslim Uyghurs, Kazakhs, Kyrgyz.

- **Brazil:** 61% of their territory preserved, nonetheless, their president, Bolsonaro, is quite against the protection of indigenous individuals and aims at the economic development of the nation over the protection of indigenous people
- **Colombia:** Colombia together with other countries of the amazon have an internal issue of indigenous people being exploited by the drug cartels

Organisations

- **Human Rights Watch:** Human Rights Watch (HRW) is an NGO that investigates and reports human rights violations all over the world. They have investigated many cases which have involved abusing the rights of indigenous people in countries all over the world and spread awareness of it.
- **UN General Assembly:** Passed the United Nations Voluntary Fund for Indigenous Populations and the United Nations Declaration on the Rights of Indigenous People
- **International labour organisation:** Helped shape the Indigenous and Tribal Peoples Convention, 1989 is an International Labour Organization Convention, also known as ILO-convention 169, or C169.

Previous/Relevant UN Resolutions

Universal Declaration of Human Rights:

https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

The UN Declaration on the Rights of Indigenous Peoples:

https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

(More specific for this topic)

Report by UN: “The rights of indigenous peoples must be protected and respected”:

<https://www.un.org/en/events/indigenousday/pdf/IDWIP%20Joint%20Statement%20FINAL.pdf>

Press Release - “United Nations marks the 10th anniversary of the Declaration on the Rights

of Indigenous Peoples”:

<https://www.un.org/en/events/indigenousday/pdf/Press%20Release%20Indigenous%20Day%202017.pdf>

(Not a resolution or report, but still with background information and relevant UN history)

“Nepal and Fiji are the only Asia-Pacific signatories to ILO Convention No. 169. The Philippines’ Indigenous Peoples Rights Act of 1997 was one of the first laws in Asia that recognizes indigenous peoples’ rights to their ancestral domains and to their cultural integrity, including the right to self-governance and self-determination.”

Press Statement released by the UN regarding the sustainable development goals:

<https://www.un.org/sustainabledevelopment/blog/2017/08/protecting-rights-and-dignity-of-indigenous-peoples-is-protecting-everyones-rights-un/>

(This press release does contain useful information regarding the topic as well as several useful documents by the UN) [9]

Possible solutions

“Ten years after the adoption of the *Declaration on the Rights of Indigenous Peoples* , progress in several countries has been made in formally recognizing indigenous people.”

The Declaration, which was implemented by the UN General Assembly on 13th September 2007, creates a world-wide framework of minimum survival standards for the dignity and well-being of the world’s indigenous peoples. It is the most comprehensive international instrument on indigenous peoples’ collective rights, including the rights to self-determination, traditional lands and culture, thus far.

The Declaration that took nearly 20 years to negotiate and finalize now stands as a

beacon for the rights and well-being of indigenous peoples. While some countries still dispute the definitions and parameters that characterize indigenous peoples, the declaration serves as a framework for future progress. [10]

However, its implementation has turned out to be universally hard, and many countries are applying the declaration arbitrarily.

In 2017 at the Global Landscapes Forum, over 600 attendees from 150 countries discussed incorporating and strengthening indigenous peoples as stewards of the environment, through the lenses of finance, land tenure, journalism, research, activism, traditions and much more. These messages were watched by thousands online and reached 14 million users on social media. Throughout the event, indigenous people were present, engaged, respected and listened to, unfortunately a rarity by today's standards.

The solution presented here is not a direct solution as such. It is not the implementation of a document detailing their rights, but rather providing them with a forum on which they can be heard. By giving a minority group a voice, such group becomes empowered, and potentially listened to and respected. [12]

Another approach to the topic might be the *tyranny of the majority* theory. This approach believes that what the majority rules must be obeyed. The logical translation of such an approach would be an application to democracies. In a democracy every citizen has one vote, which is equal for all citizens. Individuals apply this vote to vote on legislation, etc., therefore, if the majority of the population was to vote on laws which were to affect in any way the preservation of the indigenous people, such changes would be considered proper and legitimate, as the majority of the population decided that such changes were to be appropriate. The same line of thought can be applied to economic majorities, social majorities, ethnical majorities, and so on. Isn't the will of the majority a proper and legitimate way of taking decisions, even if affects and harms others?

Many solutions and approaches are available to the question of preserving the culture of indigenous peoples, but one thing we must bear in mind while figuring out what the best approach might be. They are human beings like us, and as we do for our neighbours, we must approach them with respect, dignity, and humanity.

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