

*Improving the Situation and
Possibilities of Indigenous Peoples*

Committee Guide

Human Rights Council



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Personal Introduction

Hi everyone!

My name is Maaïke Stad and I am 19 years old. I was born in Hardenberg, which is in the Netherlands. After I graduated from the Vechtdal College Hardenberg last year I moved to Groningen where I currently study Business Administration at the University. I love to go out with friends, to take trips abroad and of course I love to do MUNs! I will be chairing the Human Rights Council together with my co-chair Leo Fuhrhop.

I started doing MUN's in 2012 and OLMUN will be my 19th conference, of which my fifth OLMUN and fifth time chairing. Furthermore, I helped with organizing and have been Secretary-General at a conference at my own school in the Netherlands: FirstMUN.

I hope to see you soon!

Maaïke Stad

Hey guys!

My name is Leo and I am 18 years old. I come from Oldenburg, though I was born and raised in Berlin for the first eight years of my life. In 2014/15 I spent a foreign exchange year at a high school in Florida, USA. Currently, I am enrolled in grade 12 of the Herbartgymnasium in Oldenburg and will be writing my Abitur this year. In my leisure time, I like to hang out with friends and family, travel, read books, watch Netflix, and I go running quite frequently.

This year's conference will be my fourth OLMUN after the conferences of 2013, 2014, and 2016, and my first time as a chair, though I already chaired a committee at my school's HerbartMUN once last summer.

I am looking forward to OLMUN 2017 and specially to meeting all of you!

Leo Fuhrhop

1. Human Rights Council

The Human Rights Council (HRC) is a United Nations (UN) Organization containing 47 member states, which are responsible for promoting and protecting human rights around the world. On March 15th, 2006, the General Assembly (GA) adopted a resolution, which established the Human Rights Council. The HRC is a replacement for the United Nations Commission for Human Rights (UNCHR), which was the first attempt of a committee on human rights by the United Nations, established in the original framework of the United Nations in 1946. It used to be a subsidiary body of the Economic and Social Council (ECOSOC) and together with the Office of the United Nations High Commissioner on Human Rights, it tried to improve human rights conditions globally. However, this Commission for Human Rights, or CHR, had several problems.



First, in its early years, it would promote human rights, but refused to do anything when human rights were violated in countries because of its respect of the concept of sovereignty. This was problematic as states were not held accountable for their crimes against humanity and human rights violations, thus allowing these crimes to continue by looking the other way.

However, during the period of decolonization, when countries colonized mostly by European states became independent, this view changed. The newly formed countries pressured the CHR into a policy of intervention, using the Apartheid in South Africa as an example of how it was not supposed to be.

Even with this change of policy the CHR was unable to prevent or punish human rights violations, which caused it to be discredited to such a degree that a new committee was formed in 2006: The Human Rights Council as we know it now.

The Human Rights Council meets three times per year in Geneva, where its headquarters are. In these meetings forty-seven countries discuss whatever is on the agenda. Every three years there is a new election by the General Assembly. Countries cannot be elected again after two consecutive terms. The seats are distributed among the UN's regional groups as follows: thirteen seats for Africa, thirteen for Asia, six for

Eastern Europe, eight for Latin America and the Caribbean and seven for Western European and other groups.

One of the tasks of the HRC is the Universal Periodic Review. In this review, all 193 members of the United Nations are checked for any human rights violations, which the country then is encouraged to improve. Two periodic reviews have been conducted until now, with the third cycle starting this year and ending in 2021.

2. Explanation of the Topic

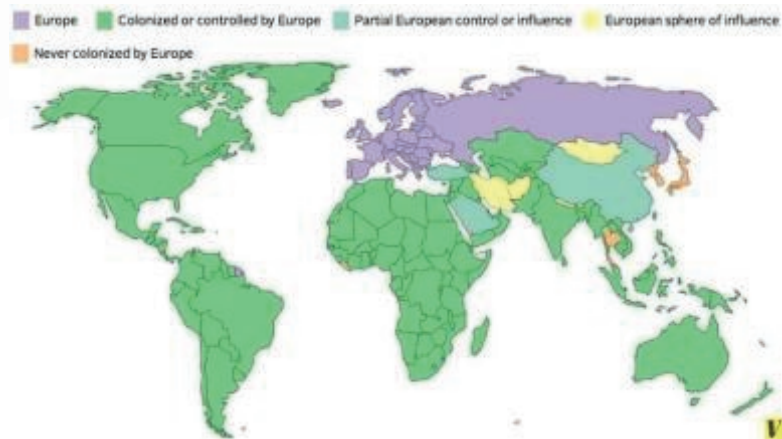
2.1 Topic

The topic of this year is about improving conditions of indigenous peoples. First of all, what are indigenous peoples? Indigenous peoples, also known as first, aboriginal, native or autochthonous peoples, are the descendants of the original inhabitants of a country or region. They, unlike the colonizers or settlers, have historically and ethnically always lived there. Often, they maintain the traditions that their ancestors developed, but not necessarily. Examples of indigenous peoples are the Amerindians or Native Americans in the United States, the Inuit and First Nations in Canada, the indigenous Australians or the Maori in New Zealand.

What are the problems that these indigenous peoples experience? Historically, Europeans invaded all parts of the world, all continents but Europe itself. The

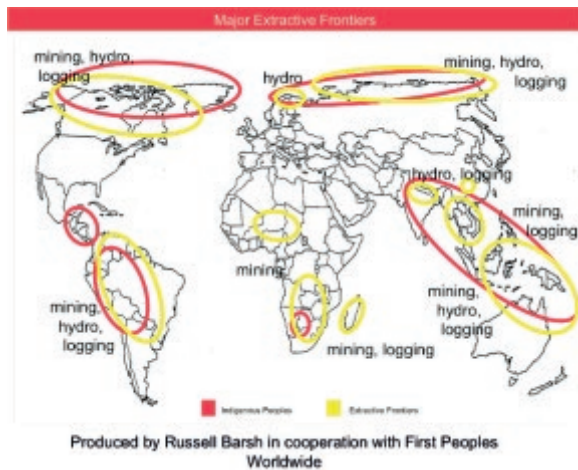
Dutch, the English, the

French, and the Spanish were especially keen on gathering as much land for themselves as possible, no matter the consequences. The image on the side illustrates the sphere of power that Europeans spread during the period of colonization.



The ones that were most affected by this colonization were the indigenous peoples of the respective countries. Generally, they were subject to genocide by Europeans, while diseases and mass rape were quite common as well. The native peoples were forced to leave the places that had been their homes for centuries. These actions were not an exception to the rule: they were the rule. There are entire articles on these occurrences, lists of all the happenings of genocide, often only years apart.

Luckily, crimes like these are becoming rarer and generally indigenous people are not subject to genocide and mass rape anymore. However, that does not mean that indigenous people have the same de facto rights and opportunities as the



general population of a country.

There are two categories of threats that indigenous people suffer from. First, there are the active threats. These threats are wilfully and consciously done against indigenous people. State discrimination is one of them. Many governments withhold citizenship or rights associated with

citizenship, sometimes to the degree that

legislation is implemented against indigenous activities. It is not unusual for governments to force indigenous peoples to leave their land either, often making laws to 'legalize' these activities. This eviction is for the purpose of stripping the lands of their natural assets like natural resources, or in the name of conservation, creating "pristine" human-free areas. Another active threat is the exploitation of intellectual property, often referred to as cultural appropriation, where art and stories are used without permission and without compensation.

The passive threats are as plentiful as the active threats. First, indigenous peoples lacking recognition as a legitimate group and/or citizens leads to exclusion of political forums, and denial of access to legal avenues to defend indigenous rights. This is especially common as laws to protect indigenous people are not enforced. Also, the global public's ignorance adds to the lack of action for indigenous people.

In short, cultural and linguistic conservation, sovereignty over their land, the exploitation of those lands, often by the governments of the respective countries themselves, pollution by companies and other residents of the country, poverty, health issues, drug abuse and discrimination can be possible threats.

However, these active and passive threats also have consequences for the living conditions of the indigenous people. Poverty and health issues are sadly very common in indigenous communities. Often these conditions are paired with drugs and alcohol abuse. Suicide is also very common amongst indigenous people.

However, one must keep in mind that indigenous peoples are spread over all continents, with 400 million indigenous people making up about 5000 distinct tribes. This means that the struggles that they face may not be equal. Some tribes may have little problems, while others are struggling under the weight of the actions that governments take against them. All tribes of indigenous peoples are unique and have their own unique problems.

A contemporary example of the struggles of an indigenous tribe is the Sioux tribe in North Dakota, trying to prevent an oil line being built through their sacred land, with possible oil spillage putting all the water that the tribe lives off at risk.

It all started in the summer of 2016, when protests fired up against the Dakota Access oil pipe, or the Bakken pipeline. This pipeline would run from the Bakken oil fields in North Dakota to the storage in Illinois. The protesters, the Standing Rock Sioux Tribe, in cooperation with other tribes from



the Sioux Indians, were concerned that the pipeline was designed to pass underneath the Missouri river. This would threaten the drinking water's safety, work against environmental protection and have harmful impacts on the culture of these Sioux native Americans. The pipeline company claimed that the pipeline would provide jobs and reduce American dependency on foreign oil. How it would decrease the dependency on foreign oil is unsure, as the oil was already flowing from the fracking fields to Illinois via a slight detour. During these protests, (heavily armed) police and the national guard tried to violently break up these protests, even using water cannons in the freezing cold.

President Barack Obama gave hope by suggesting the pipeline could take a different route. However, President Trump signed an executive order to advance the construction of this pipeline, allowing it to be voted upon by the government and ignoring the eight year protests by the indigenous people.

2.2 Previous attempts to solve the issue

From the very beginning of this issue there have been attempts to solve it. Most of these attempts have been done by the indigenous peoples themselves. They have been fighting for their rights and fighting for their freedom ever since the Europeans colonized them. However, almost no one has been listening. Often, governments ignored the protests of the indigenous tribes, what can be seen in the Standing Rock situation, where the US government refuses to listen to the wishes of the Sioux tribe. One of the things that governments could do to improve this is to actually listen to the wishes of the indigenous peoples. The government of Canada, under the lead of Justin Trudeau, is attempting to introduce a policy of honouring the indigenous peoples' rights and trying to cooperate with them in a respectful way.

2.3 Role of the UN

The United Nations is one of the international organizations that has been involved in the rights of indigenous peoples for quite a while now. From the 1920s onwards the International Labour Organization, also ILO, has been engaged with indigenous and tribal peoples, specifically their labour conditions and rights. In 1989 the ILO created the Indigenous and Tribal Peoples Convention, or Convention 169, which is concerning all indigenous peoples in independent nations. This convention concerns the land rights, recruitment and conditions of employment, vocational training, rural industries, social security, health, education, communication and cross-border cooperation of indigenous peoples. It is the only legally binding treaty of this kind, however, until now, only twenty-two countries have ratified it.

In 1995, the Guatemalan civil war came to an end with twelve peace agreements, one of them was the Agreement on Identity and Rights of Indigenous Peoples. In this document, several aspects of the struggle of indigenous people, specifically in Guatemala, were discussed, among which were: struggle against discrimination, cultural rights and civil, political, social and economic rights. Although this document is not an international agreement, it is part of the UN Peace Organization, thus allowing the United Nations to sit in on this agreement. It could be an example for other countries to improve the situation of indigenous peoples in their countries.

The most important piece of legislation about indigenous people, however, is the United Nations Declaration on the Rights of Indigenous Peoples. In 2007, the General Assembly adopted it with only four votes against: Australia, Canada, New Zealand and the United States, all countries with big indigenous populations, although Canada has turned its objection around and the other three countries have done the same, to some degree. This document talks about the grievances, challenges and aspirations of indigenous people, while also acknowledging the generations long effort to get them recognized by the international community. Although not legally binding, like every

General Assembly Declaration, it does set an important standard towards the treatment of indigenous peoples.

3. Possible Solutions

Now that the issue and previous attempts have been discussed, it is time for the solutions that may help to resolve this issue. Many have been taken before, often in legislation, like the ILO Convention 169, or the Declaration on the Rights of Indigenous Peoples. However, the over 400 million indigenous people, spread over all continents of the world, are still struggling, bearing the weight of discrimination, often by their own governments.

The question is: What went wrong with the previously taken solutions?

In theory, the previously taken solutions were good. Especially the Declaration on the Rights of Indigenous Peoples was well written and took the concerns and aspirations of indigenous peoples into account. However, since its release in 2007, the situation has not improved immensely. Even with the national laws protecting indigenous peoples their situation has not changed considerably. Why is this?

In the general sense, there is a lack of enforcement. Even though there are laws, the national governments of the member states of the United Nations do not enforce them. The result of this is that while juristically the indigenous peoples are protected, de facto they are not. Governments may break or bend laws to improve the economic situation of their country, allowing discrimination against indigenous people, often without allowing them to fight back legally, as can be seen in the Standing Rock situation. A key importance of resolutions made within the Human Rights Council should therefore definitely focus on the enforcement of previously passed legislation, and making all of them legally binding, to prevent this situation from continuing.

Another key aspect is, that indigenous people should be consulted. Too often have actions been taken in the name of the indigenous peoples while they themselves have not been consulted, thus skewing the balance of power and not including the actual ideas of the indigenous peoples. Again, the Declaration on the Rights of Indigenous Peoples was very careful to include representation of most of indigenous peoples' tribes, allowing them to have a say on the issues that matter to them. The concept of

free, prior and informed consent might also be interesting in this context. Accepting that indigenous peoples have to agree to actions interfering with the land they inhabit; the concept means that indigenous peoples should be enabled to make well-grounded decisions on any of such actions. It therefore requires parties involved in, for example, mining or woodchopping projects, to educate indigenous people about the consequences of such a project and wait for the indigenous people's consent before beginning to implement the project.

4. Research

Please bear in mind that while we composed this committee guide in order to help you with your research on the struggles of indigenous peoples, it can only function as a starting point for your own research. This guide should thus not be your only source for preparation. Look up aspects mentioned in the guide and in the further reading section, but also other factors and arguments towards the issue that you can think of. A good way to start might be an online search on your country's stance towards indigenous issues, especially on governmental or NGO sites.

While researching, we ask you to prepare a policy statement and a draft resolution prior to OLMUN 2017. The policy statement is a brief summary of your country's opinions on the issue and a description of policies your country is willing to support and put forward, composed as a speech. The draft resolution is the concrete formulation of these opinions and suggested policies. Both the policy statement and the draft resolution follow certain formal requirements, which you can look up in the Handbook on the OLMUN website. On the website, you can also find the the Rules of Procedure which you might want to read to read as well, since they provide helpful information, especially for those of you participating the first time.

If you have any questions or problems, whether it is regarding the topic, the committee, the resolution and policy statement or any other issue, please feel free to contact us at hrc@olmun.org!

5. Bibliography and further reading

5.1 Sources

About Standing Rock

<https://www.theguardian.com/us-news/2016/nov/02/dakota-access-obama-suggests-ways-to-reroute-pipeline-being-investigated>

Standing Rock and Trump

<https://uk.style.yahoo.com/trumps-latest-executive-order-means-071500080.html>

Who are indigenous people and what are their struggles

<http://www.firstpeoples.org/who-are-indigenous-peoples>

Indigenous actions

<https://www.bgdblog.org/2016/09/support-indigenous-people/>

5.2 Further Reading

The Forgotten Struggle of Australian Aboriginals

<https://www.culturalsurvival.org/publications/cultural-survival-quarterly/forgotten-struggle-australias-aboriginal-people>

Several examples of human rights violations against indigenous people

<https://intercontinentalcry.org/highlighting-the-struggles-of-indigenous-people/>

International Labour Organization Convention 169: Indigenous and Tribal Peoples Convention

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312314

Agreement on Identity and Rights of Indigenous Peoples, Guatemalan Treaty

https://en.wikisource.org/wiki/Agreement_on_Identity_and_Rights_of_Indigenous_Peoples

Declaration on the Rights of Indigenous Peoples, United Nations

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