



HUMAN RIGHTS

**PRESERVING THE
ANCESTRAL
HOMELANDS OF
INDIGINOUS
POPULATIONS**

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Table of Contents

I. Introduction	3
II. Definition of Key Terms	3 – 4
III. General Overview	5 – 6
IV. Major Parties Involved and their Views	6 – 8
V. Relevant United Nations Documents	8 – 9
VI. Questions to Consider	9
VII. Conclusion	10
VIII. Bibliography	11

I. Introduction

According to the International Labour Organization, there are approximately 370 million indigenous people in the world today, belonging to 5,000 different ethnic groups in 90 different countries worldwide.

In many countries, the individual and collective rights of indigenous people are not recognized. On some occasions, the required procedures such as resource mapping, demarcation, and titling are not being fulfilled. However, international frameworks have been set in place to protect the indigenous peoples to lands, territories, and resources. These collective rights are firmly embedded in the United Nations Declaration on the Rights of Indigenous Peoples (Articles 3 and 26) as well as in the International Labour Organization's Indigenous and Tribal Peoples Convention No. 169. Many other international human rights declarations have references to indigenous peoples rights to territories, including 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

Even where indigenous peoples have gained legal assurance and protections to their lands, territories, rights, and resources there still is illegitimate deprivation of their rights as a result of the absence of implementation of laws as well as legislations that conflict. On many occasions, State or business enterprises engage in projects such as dams, roads, mining or forestry, monocropping, or biofuel plantations on the ancestral homelands of indigenous groups without prior and informed consent.

II. Definition of Key Terms

a) Ancestral Homelands

Ancestral Homelands are territories that belong to the communities where Indigenous people used to live or currently reside in. This term can be used interchangeably to define a “small decentralized communities of close relations with social, cultural and economic significance to

them”. Homelands reflect the group’s traditional, ancestral, spiritual links to the language and land that forms their home.

b) Indigenous People

According to Cultural Survival, Indigenous People are distinct populations relative to the dominant post-colonial culture of their country. They are often minority populations within the current post-colonial nations states. Furthermore, Indigenous People usually have (or had) their own language, cultures, and traditions influenced by living relationships with their ancestral homelands. Indigenous People have distinctive cultural traditions that are still practiced.

c) Human Rights

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

(Definition derived from the United Nations)

d) Preserving

Preserving is the act of maintaining something in its original or existing state.

e) Indigenous and community conserved areas (ICCAs),

Indigenous and community conserved areas and territories are spaces that are governed separately by indigenous peoples or local communities with evidently positive outcomes for the conservation of biological and cultural diversity.

III. General Overview

Currently, many indigenous groups are still facing discrimination and lack of recognition all around the globe in many factors concerning the collective rights of indigenous communities. In areas rich in living and non-living resources, many indigenous and tribal peoples live, including forests containing plentiful wildlife, water, and minerals. Historically, the demand for such wealth by non-indigenous society has resulted in many indigenous populations being removed, decimated or exterminated. The survival and integrity of the surviving indigenous and aboriginal peoples of the Hemisphere today needs acknowledgment of their rights to the resources found on their lands and territories that they depend on for their economic, spiritual, cultural, and physical well-being. A main concern for tribal societies (at the national political level) and lobbyists on their behalf (at the level of international pressure and advocacy) is the discovery of policies that would inspire others to act on their behalf. Many sympathetic human rights organisations have started to campaign for stronger aboriginal rights at the international level, and the push for improved aboriginal rights is still of considerable significance and importance in other political movements resulting from resource extraction programs, national language initiatives, mass tourism initiatives or improved social services. In all these issues, none addresses the conservation movement as closely as a coincidence of interests. For some time, the coincidence of priorities characterizing the campaign of indigenous peoples and the multinational lobby for improved natural resource management has been evident. For example, since 1975, the IUCN has had a "Task Force on Traditional Lifestyles" that discusses the interplay between traditional people and the natural world. Traditional lifestyles have been described for the purposes of the Task Force as indigenous people's ways of life (cultures) that have developed locally and are focused on the sustainable use of local ecosystems; such lifestyles are often at subsistence levels of production and are rarely part of their country's popular culture, although they contribute to its cultural resources. The advantages of partnering with aboriginal communities for resource managers include acquiring an extra constituency, hiring workers with in-depth experience of rural regions, and learning about long-term resource techniques that have proved their adaptability for thousands of years. The gains for indigenous peoples include legal recognition of ecologically sustainable conventional land-use activities, decent employment of their traditional territories and new national advocates. When policies to conserve tropical forests (traditional homeland for a range of scattered forest-dwellers)

are debated, the claim that indigenous peoples and conservationists are "natural allies" is made with particular intensity. In regions with declining tropical forest cover, the tension between what could be termed the "resource-extractive dynamic" and previously separated or uncontacted populations seems most acute. For example, it is argued that retaining primary forest and its usage in traditional ways, keeping it in harmony with indigenous life-styles for centuries, may well be compatible with the ambitions of the local people for a better life-style of survival focused squarely on their own history, their own society and local self-determination.

IV. Major Parties Involved and their Views

The Indigenous Peoples Major Group (IPMG)

The Indigenous Peoples Major Group (IPMG) is a forum for coordination and planning towards Sustainable Development Goals. IPMG nominated Organizing Partners (OPs) to serve as facilitators; Tebtebba (Indigenous Peoples International Centre for Policy Research and Education) and IITC (International Indian Treaty Council). The IPMG also includes regional organizing partner focal points, as well as maintaining a global list-serve and regional list-serves. Information sharing, feedback, and recommendations are forwarded to the Global IP-OPs for consideration on proposals and position papers submitted by the IPMG to the *Sustainable Development Goals: Indigenous Peoples in Focus*.

Australia

Aboriginal people have occupied Australia for at least 40 000 years, way before it was colonized by the British. Currently, In Australia, an estimated 3.3 % of its population represents the Aboriginal and Torres Strait Islander people. Since the 1990s there has been an uprising protest on the issue of Aboriginal people gaining recognition for their full rights on land held under pastoral lease, specifically in the Northern Territory of Australia. Immediately upon achieving self-government in 1978, the white interests that had underwritten the Country-Liberal Party government set about consolidating the hold they had acquired on Aboriginal countries. The "locked-gate" strategy of the pastoralists, combined with bluff and intimidation, was directed to ensure that once the "property" had been rid of Aboriginal inhabitants, it remained so. Aboriginal

children in Australia were also forced to assimilate into white culture and were placed in institutions where they suffered abuse and neglect. These children are known as the “Stolen Generations”, because of this the communities had to undergo four generations of transgenerational trauma and continue to suffer.

United States of America

The proposed construction of the Dakota Access pipeline in North Dakota is now being protested against by thousands of Native American protestors. Rather than just trying to defend their property, they are doing more. They struggle for their history and, as Winona LaDuke, the Ojibwe activist, claims, their future. Advances have already been and continue to be assaults on traditional beliefs on Indian territory. In recent years, non-tribal governments and companies with tribal land ambitions have not slowed these assaults, but new opposition has been organized by representatives of indigenous groups throughout the United States. Some are challenging corporate incursions on their treaty lands and water, such as the Standing Rock Sioux in North Dakota. Others are grappling with something far more subtle: revived demands to reform the system of aboriginal land possession.

China

China proclaims itself as a single nation with a mixed ethnic makeup, and the Constitution recognizes all ethnic groups equal. The government acknowledges 55 ethnic minorities within its boundaries, in addition to the Han Chinese population. Due to the primacy of teaching the Chinese language, most mother tongue learning in ethnic minority regions of China has been marginalized. In rural areas and ethnic minority zones, the language and education strategy focuses on raising the literacy rate of Putonghua (standard Chinese). The National Five-Year Plan (2016-2020), which stresses sustainable growth to resolve the many complicated problems and distinct ethnic cultures of minorities in China, covers the key economic and social policies for citizens belonging to ethnic minorities in China. While people's livelihoods have improved in some ethnic minority regions thanks to the government's economic stimulus programs, ethnic minority minorities are still exposed to discrimination and racist policies, and Tibet continues to experience civil instability and cultural tensions in Xinjiang Uyghur. The Inner Mongolia Autonomous Ethnic Areas.

Canada

During the 19th and 20th centuries, Canada removed Indigenous children from their families and placed them in federally funded boarding schools, with the intent of accustoming them into Canadian society. At these “Indian Residential Schools”, they were not allowed to speak their languages or express their cultural heritage and identities. As a result, “Aboriginal people were expected to have stopped to exist as distinct people with their own governments, cultures, and identities” (The Truth and Reconciliation Commission of Canada 53) An estimated 150,000 First Nations children suffered abuse in these schools.

In Addition, in the past years Canada has tried to recover from past institutions and partner together with many Aboriginal communities to establish a mutual understanding between a community and a company and define the principles for working together for mutual opportunities and benefits.

Cultural Survival

Cultural Survival is a non-profit organization, which is dedicated to defending the human rights of indigenous people. Cultural Survival is one of the top non-profit organizations that has more than 49 years of experience partnering with Indigenous communities.

Amnesty International

Amnesty International is a non-governmental organization which is a global movement of more than 10million people in over 150 countries who campaign to end the abuses of human rights.

V. Relevant United Nations Documents

a) United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007, by a majority of 144 states in favor, 4 votes against, and 11 abstentions. Today the Declaration is the most comprehensive international instrument on the rights of indigenous peoples. It establishes a universal framework

of minimum standards for the survival, dignity, and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples.

b) The United Nations Permanent Forum on Indigenous Issues (UNPFII)

The United Nations Permanent Forum on Indigenous Issues (UNPFII) is a high-level advisory body to the Economic and Social Council. The Forum was established on 28 July 2000 by resolution 2000/22, with the mandate to deal with indigenous issues related to economic and social development, culture, the environment, education, health, and human rights. The Permanent Forum: provides expert advice and recommendations on indigenous issues to the Council, as well as to programs, funds, and agencies of the United Nations, through ECOSOC; raises awareness and promotes the integration and coordination of activities related to indigenous issues within the UN system.

VI. Questions to Consider

- a) What policies does your county have set in place regarding the collective right of Indigenous peoples?

- b) What projects or constructions have your country undertaken that harms or endangers the ancestral homelands of the indigenous people?

- c) How can the collective rights of indigenous populations be protected and preserved within your own country and within international legislation?

- d) How can member states continue to preserve and protect these rights from underlying threats to the communities?

VII. Conclusion

There are many non-governmental organizations and associations around the world that they aim to protect and ensure the legal protection of the collective rights of indigenous people and their communities. Yet still many indigenous peoples and communities remain unprotected and unrecognized. They face forced assimilation, exclusion, and systemic discrimination. Their cultures, stories, and knowledge are in danger of being lost. Indigenous children, in particular, are often deprived of opportunities to fulfill their full potential, especially in the educational system. Education is essential to preserve the unique identities of indigenous peoples, as well as for the full development of their potential as individuals and as communities (UNESCO 2) The promise of the 2030 Agenda for Sustainable Development is to ensure a life of dignity for all, leaving no one behind, so special attention must be paid to the needs and rights of indigenous peoples

Furthermore, Indigenous communities all around the world only comprise 5% of the world's population, Indigenous Peoples safeguard 80% of the planet's biodiversity. According to The World Bank, more than 20% of the carbon stored above ground in the world's forests is found inland managed by Indigenous Peoples in the Amazon Basin, Mesoamerica, the Democratic Republic of Congo, and Indonesia.

Policies and Legislations from the [UN Declaration on the Rights of Indigenous Peoples](#) that should be further emphasized:

- Effectively consulting Indigenous Peoples to obtain their free, prior and informed consent for decisions that affect them.
- Maintaining their distinct cultural identities
- Living free from discrimination and the threat of genocide
- Having secure access to the lands and resources essential to their wellbeing and ways of life

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