



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE



## UNITED NATIONS HUMAN RIGHTS COUNCIL

The United Nations Human Rights Council was created in March, 2006 and is the successor to the United Nations Commission on Human Rights, which was often criticized for the high-profile positions it gave to member states that did not guarantee the human rights of their own citizens. The Council is considered an international body within the United Nations System and its purpose is to address human rights violations.

The main reason for replacing the Commission of Human Rights was the fact that it received immense criticism for allowing countries with somewhat questionable stances on Human Rights to remain a member of the commission. This issue has been addressed by the Human Rights Council as Libya was suspended from the committee at the outbreak of the civil war. In fact the work of the Human Rights Council has been held to such a degree that there have been proposals to replace the Trusteeship Council (seeing that it has already served its purpose) with the Human Rights Council as one of the six principal organs of the UN. The HRC consists of 47 members chosen from the General Assembly for three year terms and a possible extension to it with 13 representatives each from Africa and Asia, 6 from Eastern Europe, 8 from Latin America and Caribbean and 7 from Western Europe and other Regions. Although the HRC meets three times a year, there can be additional sessions for specific issues if a third of the committee request it and there have been 19 such incidents since the creation of the HRC.

The Council assumes all the mechanisms, mandates, functions and responsibilities of the Commission for Human Rights. At the same time, it is tasked with the review, rationalization and improvement of these. This makes up the bulk of the Council's work in its first year.

„Special procedures“ is the name given to the mechanisms established by the former United Nations Commission on Human Rights and continued by the Human Rights Council to monitor human rights violations in specific countries or examine global human rights issues. Special procedures can be either individuals who are leading experts in a particular area of human rights, or working groups usually composed of five members. In order to preserve their independence they do not receive pay for their work.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

## Topic B: Treatment of Indigenous People

### I. Introduction

According to [globalissues.org](http://globalissues.org) there are approximately 370 million indigenous people in 70 countries today. These are people that inhabited the lands prior to its colonization or conversion to a nation state. Examples of indigenous people are the Lakota in America and the Aymaras in Bolivia. However, the difference between various indigenous people means that no single official definition for the word 'indigenous' exists in the UN. Therefore a system has been developed for a contemporary understanding of this term involving:



- Self-identification as indigenous peoples at the individual level and accepted by the community as their member;
- Historical continuity with pre-colonial and/or pre-settler societies;
- Strong link to territories and surrounding natural resource;
- Distinct social, economic or political systems;
- Distinct language, culture and belief;
- Form non-dominant groups of society;
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

The UN believes that rather than defining who 'indigenous people' are, it would serve a greater purpose to identify who they are in accordance with the concept of self-identification, a key principle of all human rights documents. Sometimes, the discrimination of indigenous people in societies has been taken to such an extent that some of those people are reluctant to reveal their origin. This choice must be respected by other indigenous people as they fight against discrimination of indigenous people. Therefore, although there are many types of indigenous people, the one thing they share in common is the fact that they are all subjected to some degree of discrimination or at least social exclusion.

### II. Background

*"Indigenous peoples around the world have sought recognition of their identities, their ways of life and their right to traditional lands, territories and natural resources; yet throughout history, their rights have been violated. Indigenous peoples are arguably among the most disadvantaged and vulnerable groups of people in the world today. The international community now recognizes that special measures are required to protect the rights of the world's indigenous peoples."*



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

— [About UNPFII/History](#), *United Nations Permanent Forum on Indigenous Issues (UNPFII)*, accessed October 16, 2006

From the start of European colonialism, the lands previously occupied by indigenous people fell to colonialist powers that saw themselves as superior to the native people who they saw as savages. They also felt that it was their duty to civilize the indigenous people. Whilst they employed different strategies (i.e. the Spanish mainly relied on their military might whilst the Portuguese relied on trade) the end result was the same with the indigenous people getting driven out of their homes. However, the two World Wars demonstrated to the oppressed indigenous people that the Europeans were not as civilized and peaceful as they claimed leading to nationalist movements with the European empires unable to hold on to their colonies. Therefore, the indigenous people constantly started getting more and more rights fuelling the conflict that exists between the oppressors and the oppressed.

Whilst countries such as the USA simply exclude their indigenous people from the rest of society by providing them with reservations into which the government doesn't intervene (e.g. residents of these reservations are not subject to taxes, others take a more active role in discriminating their indigenous people. For example, the Philippines, Peru and Colombia were reprimanded by the UN Committee on the Elimination of Racial Discrimination (CERD) for various violations of human rights of indigenous people. In the cases of Colombia and the Philippines, the ongoing armed conflict with its indigenous people was seen as unacceptable by CERD. Peru, was reprimanded for drilling on indigenous land without the consent of the people which is also unacceptable in the eyes of the international community.



### III. Timeline of development and events in regard to indigenous peoples' rights

1957 – ILO Convention 107

- First international convention focusing on first nation issue under the remit of the International Labour Organisation
- Widely criticized due to assimilationist approach

1989 – ILO Convention 169

- Replacing (for signatories) ILO Convention 169
- More focused on indigenous peoples' concerns

2007 – UN Declaration on the Rights of Indigenous Peoples

- Widely accepted by states and first nation representatives alike
- Basis for current debate on the issue



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

#### **IV. The Agenda in Detail: Indigenous Rights and International Law**

Upholding the human rights of first nation peoples has always been a very controversial issue in state practice as relations between indigenous peoples and government were often affected by mutual distrust and animosity. The former viewed the state citizens as illegitimate occupiers of their native land and the latter often regarded indigenous people as stuck in traditions and an obstacle to progress and development. Nonetheless, states have addressed this question since the 1950s. The first major document which exclusively dealt with the issue of indigenous peoples' rights was ILO convention 107, drafted in 1957 by the International Labour Organisation which generally is concerned with labour issues and the maintenance of international labour standards. However, its approach was determined by an assimilationist perspective, considering the life-style of native people as backward and tribal and therefore trying to "integrate" indigenous people into "modern" and "developed" society. Furthermore, this convention was ratified by few states with many claiming that this question did not fall within the remit of the ILO at all. Due to rising international criticisms against the "colonial" spirit of this convention it was to be replaced in 1989 by ILO convention 169, a document which approached the concerns of indigenous peoples with more respect for their social and cultural traditions.

Nonetheless, it also did not embody effective clauses to address the very important issue of indigenous self-government and intellectual property rights and crucially did not recognize indigenous peoples as proper "peoples". Additionally it also contained the same structural deficits as an ILO document and therefore suffered from a low number of ratifications. The current number of states having signed the convention is 22, with most countries from South and Middle America. Problematic here is the incomplete overlap between signatories of ILO convention 107 and 169. For those states, having signed the former but not the latter convention, the outdated C107 retains applicability. Another significant reason as to why the efforts of the ILO have not been extremely successful is the status of ILO conventions as binding under international law. This contributed to weariness on the part of many states to be susceptible to lawsuits from indigenous people and subsequently to a low number of signatories to these documents. Hence, first nation representatives started to favour a novel approach, favouring a non-binding General Assembly declaration achieved through the UN system.

The whole process, however, took more than 25 years until completion. Initiated in 1982 with an ECOSOC working group, a draft declaration was finished in 1993. Nevertheless, it would still take 14 more years of review and difficult negotiations until the GA finally passed "The United Nations Declaration on the Rights of Indigenous Peoples" on September 13<sup>th</sup>, 2007. The work on a document acceptable for both sides was made especially complicated by the tension between the collective rights which many indigenous peoples' social fabric is built on and the primacy of the individual in Western human rights discourse. This required understanding of the inter-cultural differences between both parties but finally did not prohibit the passing of a final document. This declaration was indeed a great step forward in that it addressed the most pressing concerns of indigenous peoples, centred on the right to self-government, autonomy and the right to their native lands. We will list and explain the most contentious articles below:

##### *Article 3*

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.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

This was one of the clauses most difficult to accept by the negotiating governments especially from Africa. Some, viewing self-determination in the context of decolonisation, were accordingly concerned about the territorial integrity of the nations with significant indigenous minorities. The exact worry was a possible demand by first nations to secede and establish own states even though this request was never made by indigenous representatives.

To alleviate this fear article four was introduced:

#### *Article 4*

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.

This limited self-determination to internal matters and discarded a possible entitlement to secede which was furthermore confirmed by article 46 guaranteeing the territorial integrity of states and the superiority of existing international and domestic law. A further bone of contention concerned the status of the native land of first nation peoples. The relevant articles here are 26-30 of the declaration:

#### *Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

#### *Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

#### *Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

The preceding articles state indigenous peoples' rights to ownership of the land they have traditionally used. If their property has been taken away without the "free, prior and informed consent" of the affected nations then it will have to be restituted. In case this is not possible, a full compensation is necessary. The principle of free, prior and informed consent is an especially important clause for indigenous peoples in their dealings with the World Bank, international institutions and transnational corporations. The Working Group on Indigenous Peoples has therefore suggested that the notion of free, prior and informed consent should itself be the subject of a standard-setting exercise to clarify its application. While it is not intended to be a right of veto over land development, some indigenous peoples do regard it as a quasi-veto right. Its ambiguity is why it was one of the controversial principles in the land and resources clusters and indeed why there are many on-going attempts to define it internationally.

Even though some clauses certainly are controversial, the declaration is now widely accepted and there are no states openly opposing it. Whilst it is true that its status is non-binding and so called "soft" law, it has been of a surprising effectiveness in the last years. The first reason for this is its connection to existing conventions in international law which the declaration is directly based on; the declaration does not introduce completely novel principles in international law. In fact, it is rooted in elements of the UN Charter, the Universal Declaration of Human Rights, the Human Rights Covenants, and conventions and declarations with respect to children (CRC), women (CEDAW), racial discrimination (CERD), genocide, minorities and religious intolerance, as well as the International Labour Organization's (ILO) Convention 169. Furthermore, it is possible that a future international treaty will be based on this declaration, giving it even more force. The declaration may also have important effects on the formation of customary international law and jurisdiction. As stated by the ICJ, "General Assembly resolutions, even if they are not binding, may provide evidence important for establishing the existence of a rule or the emergence of an *opinio iuris*".



How can the international community further address the concerns of indigenous peoples? With this comprehensive and widely-accepted document available, the challenge is now to adjust domestic law and connect it with the spirit of this declaration. In many cases still state practice has to change to conform to the legitimate demands of indigenous peoples. Therefore, how can this document serve as a base to address particular challenges in nation states with indigenous minorities and especially what can be done do redress past injustices against their members especially with regard to land? Clauses 26-28 enshrine this right but to actually be effective, the idea of the clauses has to be transmitted to a more localized level and vested interests within states need to be overcome to make amends for the past mistreatment of first nation peoples. Additionally, administrative hurdles need to be removed to give indigenous peoples more autonomy to handle their local affairs, to govern themselves and to respect their customary forms of conflict resolution. This challenge the international community needs to address now to make sure that this declaration can serve as a tool to protect indigenous peoples' concern and make their grievances heard.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

## V. Case Studies

These case studies are designed to enhance discussion on particular angles of the debate, but are by no means an exhaustive list of the contentious debates surrounding the issue, and the chairs encourage delegates to research cases relating to their position. A useful place to start is with the World Directory of Minorities and Indigenous Peoples (<http://www.minorityrights.org/directory>)

### MEXICO

In Mexico, 15% of the population identifies itself as indigenous. In the southern state of Oaxaca alone, 56% of people consider themselves indigenous, divided in around 16 ethnic and linguistic groups, in addition to a small population of African descent. Under the Constitution, indigenous peoples in Mexico have the rights to self-determination, which includes, among others, the right to autonomy, education, infrastructure and no-discrimination. However, each Mexican state has its own constitution and can establish a new legislation. In some cases, as regards indigenous peoples, the local legislation has limited the provisions recognized in the national constitution. As a consequence, the protection of indigenous people's rights varies greatly from state to state.



While some political entities have established a wide range of policies aiming at the promotion of indigenous peoples' rights, others have not developed an institutional framework. Mexican indigenous peoples continue to suffer discrimination in all spheres of public life. Many, especially women, receive arbitrary or disproportionate sentences in criminal courts. Political participation remains extremely marginal. According to several organizations, the main problems suffered by indigenous peoples in Mexico are linked to land and territories, natural resources, administration of justice, internal displacement, bilingual education, language, migration and constitutional reforms. They are also more likely to live in poverty than non-indigenous. During his recent visit to Mexico, Olivier De Schutter, the UN Special Rapporteur on Right to Food, warned that 19.5 million Mexicans, approximately 18 % of the population, are food insecure, an overwhelming majority of them in the rural areas, with a disproportionate number of indigenous peoples among them.

Movements for indigenous autonomy at the regional and local level, however, have a long history. For example, in 1974, the First Indigenous Congress held in San Cristobal de las Casas was multiethnic and its 1230 delegates included 587 Tzeltales, 330 Tzotiles, 152 Tojolabales, and 151 Choles representing 327 communities. Impressive regional indigenous gatherings were held elsewhere in Mexico as well in the 1970s and 1980s. The 1994 Zapatista rebellion has provided a significant step forward in the opening of political discussions to introduce indigenous rights on the national level. The San Andreas Accords on Indigenous Rights and Culture lay the groundwork for significant changes in the areas of indigenous rights, political participation, and cultural



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
 Period: 21-28 July 2012  
 Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
 Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
 E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
 UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
 ATHANASIA KEFALA

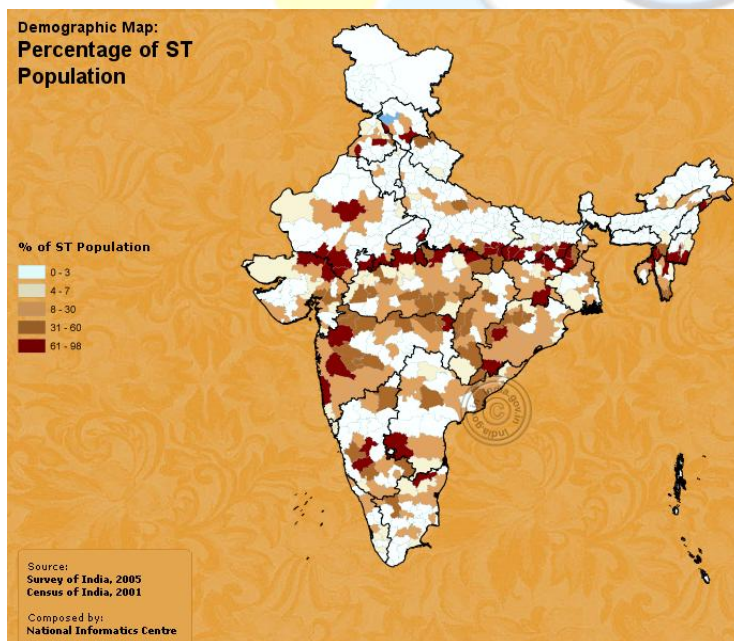
TOPIC:  
 TREATMENT OF INDIGENOUS PEOPLE

autonomy. Most importantly, they recognize the existence of political subjects called pueblos indios (indigenous peoples/towns/communities) and give conceptual validation to the terms "self-determination" and "autonomy" by using them in the signed accords. The accords emphasize that the state takes responsibility for not only reinforcing the political representation of indigenous peoples and their participation in legislatures, but also for guaranteeing the validity of internal forms of indigenous government. They further note that the state promises to create national legislation guaranteeing indigenous communities the right to: 1) freely associate themselves with municipalities that are primarily indigenous in population; 2) to form associations between communities; and 3) to coordinate their actions as indigenous peoples.

However, the Mexican government has made no progress in implementing the accords on indigenous rights, it has taken the movement for indigenous autonomy extremely seriously, embarking on a sustained campaign to not only disable the legislative process for implementing the peace accords it signed in 1996, but also engaging in a brutal and highly visible campaign to "take out" autonomous municipalities in Chiapas that run parallel self-declared autonomous governments in opposition to counties and town councils run by those affiliated with the Institutional Revolutionary Party (PRI) in Chiapas.

The case of Mexico highlights the need to engrain the rights of indigenous peoples into national legislation, but also the intense difficulties of enacting the theories behind the rights of indigenous peoples. There are numerous problems associated with the equality of these rights and the chairs hope that delegates will use this as an example of how to work around these issues in implementing their resolution.

## INDIA



India is a complex mix of many minority groups, whether defined by caste, tribe, religion, gender and in many other ways, but this case study focuses on the issues and controversies faced by the Adivasi. The term Adivasi derives from the Hindi word 'adi' which means of earliest times or from the beginning and 'vasi' meaning inhabitant or resident, and it was coined in the 1930s, largely a consequence of a political movement to forge a sense of identity among the various indigenous peoples of India. Officially Adivasis are termed scheduled tribes, but this is a legal and constitutional term, which differs from state to state and area to area, and therefore excludes some groups who might be considered indigenous. Adivasis are not a homogeneous group; there are over 200 distinct peoples speaking more than 100 languages, and varying greatly in ethnicity and culture. However, there

are similarities in their way of life and generally perceived oppressed position within Indian society.





**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

The 1950s saw the Indian government put together special protective provisions to allow for the social and educational advancement of Adivasis as well as the "Untouchables," to improve their position and opportunities within India. However, Adivasis continue to face prejudice and often violence from mainstream Indian society. They are at the lowest point of almost every socio-economic indicator. The majority of the population regards them as primitive, and government programmes aim at integrating them with the majority society, rather than allowing them to maintain their distinctive way of life. Adivasis' traditional homelands have been taken for industrialization; for coal, forest and mineral exploitation; for tourism developments; and for nature and wildlife parks. This 'internal colonization' has combined with the forces of globalization to forcibly displace Adivasis from their territories, and to ensure that while 85 per cent of Adivasis live in poverty, they receive little or none of the wealth extracted from their land.



While the larger tribal groups and languages will survive as a result of numbers, the destruction of their economic base and environment poses grave threats to those who are still able to follow their traditional way of life and may result in the cultural extinction of many of the smaller Adivasi peoples. There has been a lack of supportive role by the state to the Adivasi community when it has come to land re-distribution rights, rights of marginal farmers and daily wagers, rights of the tillers of the soil and rehabilitation rights. Although beneficiaries of India's extensive reservations, it remains the impact of the quota system upon Adivasis has remained negligible up until 2006. The quotas within higher education and jobs which require technical knowledge seem to have not worked in improving access so far. Quotas for Adivasis, for example, at the higher education levels remain unfilled. About 68 percent of Dalit and Adivasi children drop out before high school.

One of the major reasons for the economic and social problems of the adivasi population has been their gradual displacement from land. Adivasis have been denied land ownership rights over the last century and their displacement from their land has made them reach a stage where they are fighting to retain their economic and social identity.

On the whole, however, the role of the State has been extremely oppressive and the State has acted more as an entity that has repeatedly denied basic legal rights to Adivasis rather than helping them with compensation and rehabilitation for their land. There has only been a continuation of exploitative state policy where successive state and central governments have failed to secure the land rights and the ownership interests of Adivasi communities across India in the post-independence period. The distrust between the Adivasi groups and the state has become a constant source of complications, and until this is addressed, it is likely that the Adivasi will continue to place their belief in violence until a more sensitive and responsive government is in place.

## **SOUTHERN SUDAN**

In January 2011, Southern Sudan voted to separate from the North, and the Government of Southern Sudan now face a huge task of uniting the region's myriad of ethnic groups, and building the capacity of governance. The role of minorities must be a focal point in the nation-building process. Southern Sudan is home to an estimated 56 ethnic groups and almost 600 sub-groups.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

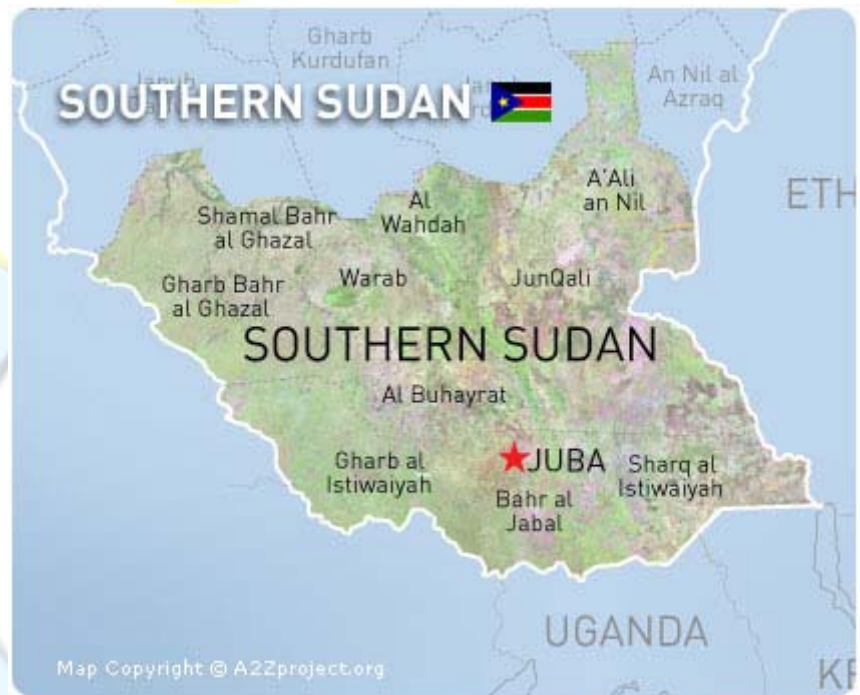
*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

Southern Sudan has been operating as an independent region since 2005 and Minority Rights Group International has commented that some minority groups have felt left out from the runnings of the region. Continuing violence is one of the most visible manifestations of the challenges facing Southern Sudan's development. Much of this violence involves competition among ethnic groups for resources and inter-ethnic tensions are often closely connected to poverty. For example, competition over access to water and grazing land can lead to conflict, especially during the dry season. But there are concrete ways to create access to resources, thereby helping to alleviate such competition. Development funding may be directed towards constructing more water access points, for example, which would ease the friction between cattle-herding pastoralists. Meetings that bring legitimate leaders from various communities together to negotiate their grievances are also helpful in promoting peaceful coexistence. But the success of such initiatives depends on the equitable distribution of resources among all ethnic groups, as well as their meaningful participation in the political process. The Government of Southern Sudan has the opportunity to address this problem immediately, rectifying disputes that have occurred for centuries.



Competition over access to scarce resources can cause tensions between groups; such tensions often explode into violence, undermining development initiatives. There is also a danger that ethnic concerns could hijack the political process even as it develops. This could create a state dominated by the interests of the most populous ethnic groups at the expense of smaller ones. It is development that the region desperately needs. There are calls for the government and international donors to build dams on rivers that flow during the rainy season. Such dams would create ponds that would retain water during the dry season, decreasing competition between cattle herders. Other community leaders have said that creating more water access points would also greatly diminish tensions between cattle-herding communities.

Recognising different ethnicities in political representation has been hailed as solution to these problems, as decision making can be taken to hand by a number of different groups. However, some residents pointed to ethnicity-based politics as a barrier to receiving assistance from the federal and state governments. With state government being dominated by Dinka and Nuer, there are claims and fears that representatives from those groups were channelling development funds to their own communities, while smaller ethnic groups were being ignored.



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

Many southerners expect ethnic groups will peacefully coexist if Khartoum is no longer able to sow contention among them. Over this issue, the Government of Southern Sudan has a greater degree of control. If the government demonstrates that all people are treated equally under the new political system, it will go a long way toward defusing ethnicity based rivalries.

## Bloc Positions

At this point in time, there is no open opposition by states against indigenous peoples' rights or the recent UN declaration. Nevertheless, there are different degrees of support with nations containing significant indigenous minorities often being more reluctant to address these issues. When voting on the draft declaration, the US, Canada, New Zealand and Australia voted against its adoption. However, by now all four countries are supporting the declaration. Also, a number of African post-colonial states are concerned about the issue of self-determination possibly leading to a fragmentation of their already fragile countries but nonetheless voted affirmatively with regard to the UN declaration. In general, there is a rather wide consensus in the international community that indigenous rights should be respected in theory. Nonetheless, when it comes to actual measures on the ground to improve the economic situation of first nation peoples or to redress past injustices the affected states usually prove to be far more reluctant to address the issue and take indigenous peoples' complaints into account. The issue at hand is to work beyond the theoretical standpoints of indigenous peoples' rights, and towards a practical solution which states can enact.

## Questions to be addressed by a future resolution

Should more states join ILO convention 169 or is the "soft law" approach more suitable?

How can the latest UN declaration be implemented in domestic law?

How can past injustices against first nation people be redressed most effectively?

What is the most effective way to address the demands of indigenous peoples for land and self-government?

Overcoming the view of "assimilation" – how can we transfer human rights theory into practical use?

## Further Reading

UN GA (2007), "UN Declaration on the Rights of Indigenous Peoples",  
[http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

ILO (1989), "C169 Indigenous and Tribal Peoples Convention", <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

ILO (1957), "C107 Indigenous and Tribal Populations Convention", <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C107>



**SOFIMUN**  
**Sofia International Model United Nations**

Edition: V/2012  
Period: 21-28 July 2012  
Location: Sofia, Bulgaria

Website: [www.sofimun.org](http://www.sofimun.org)  
Foundation: [www.foundation.sofimun.org](http://www.foundation.sofimun.org)  
E-mail: [info@sofimun.org](mailto:info@sofimun.org)

*"Search Of Future Ideas, Models Us Now"*

COMMITTEE:  
UN HUMAN RIGHTS COUNCIL

CHAIRS: MUNKHBOLD BADARCH &  
ATHANASIA KEFALA

TOPIC:  
TREATMENT OF INDIGENOUS PEOPLE

Oldham, P., Frank, M. A. (2008), "We the Peoples", ANTHROPOLOGY TODAY Vol. 24 No 2, April 2008.

Jonathan, Stephen and Rivera, Lynn 23.1 "Indigenous Rights and Self-Determination in Mexico," Cultural Survival, Spring 1999.

Speed, S., Collier, J. F. (2000), "Limiting Indigenous Autonomy in Chiapas, Mexico: The State Government's Use of Human Rights", Human Rights Quarterly 22 (2000) 877–905.

Barelli, M. (2009), "The Role of Soft Law in the International Legal System: The Case of the United Nations Declaration on the Rights of Indigenous Peoples", ICLQ vol. 58, October 2009, pp 957–98

## Useful Links

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

<http://www.un.org/esa/socdev/unpfii/documents/FAQsindigenousdeclaration.pdf>

<http://www.ohchr.org/EN/NewsEvents/Pages/HRC18PanelIndigenous.aspx>

<http://www.unhcr.org/refworld/publisher/MRGI.html>

<http://www.minorityrights.org/directory>

Who are indigenous people?

[http://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)

Rights of indigenous people

<http://www.globalissues.org/article/693/rights-of-indigenous-people>

Colombia, Peru and the Philippines reprimanded by UN Committee for Treatment of Indigenous people

<http://www.culturalsurvival.org/news/philippines/colombia-peru-and-philippines-reprimanded-un-committee-treatment-indigenous-peoples>

UN Draft Declaration of the Rights of Indigenous People

<http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G06/125/71/PDF/G0612571.pdf?OpenElement>

Declaration of the Rights of Indigenous People

[http://www.un.org/esa/socdev/unpfii/documents/dec\\_faq.pdf](http://www.un.org/esa/socdev/unpfii/documents/dec_faq.pdf)