

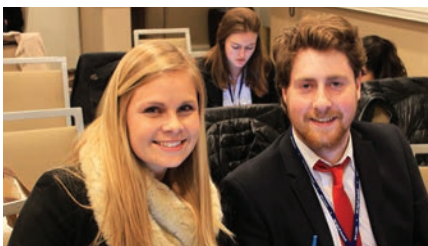


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UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES BACKGROUND GUIDE 2017

Written by: David Vásquez León
and Chase Mitchell



NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2017 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the United Nations Permanent Forum on Indigenous Issues (UNPFII). This year's staff is: Directors David Vásquez (Conference A) and Chase Mitchell (Conference B). David completed his B.A. in International Relations in 2014 and Multimedia Journalism in 2015 from Universidad San Francisco de Quito (USFQ). He is currently directing educational programs in low-resource communities in Quito, Ecuador. This will be his second year as a NMUN Staff Member. Chase completed his B.B.A. in Economics and Global Business in 2015 and is currently self-employed in northeast Wisconsin. This will be his fourth time staffing an NMUN conference, and he is excited to oversee and assist with the work of UNPFII.

The topics under discussion for UNPFII are:

- I. Global Implementation of the United Nations Declaration on the Rights of Indigenous Peoples
- II. Sustainable Tourism and the Economic, Social, and Cultural Rights of Indigenous Peoples
- III. Development of the Arctic: Preserving Indigenous Rights

UNPFII is the focal point for discussing and addressing the concerns of indigenous peoples within the United Nations system. As an advisory body that reports to the Economic and Social Council, UNPFII not only provides advice and recommendations, but also attempts to raise awareness and spread information through multilateral discussions on indigenous issues. As delegates think about the topics to be considered by UNPFII, they should examine what recommendations will advance the realization of the rights of indigenous peoples, align those with the national interests of their Member State, and be open to consensus-building.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2017 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two essential resources for your preparation are the [Delegate Preparation Guide](#) and the [NMUN Rules of Procedure](#) available to download from the NMUN website. The [Delegate Preparation Guide](#) explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. The [NMUN Rules of Procedure](#) include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. In tandem, these documents thus serve as essential instruments in preparing for the Conference and as a reference during committee sessions.

Please take note of information in the [Delegate Preparation Guide](#) on plagiarism and the prohibition of pre-written working papers and resolutions. Additionally, please review the [NMUN Policies and Codes of Conduct](#) on the NMUN website regarding the Conference dress code; awards philosophy and evaluation method; and codes of conduct for delegates, faculty, and guests regarding diplomacy and professionalism. Importantly, any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. Adherence to these policies is mandatory.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the Human Rights and Humanitarian Affairs Department, Sarah Walter (Conference A) and Jess Mace (Conference B), at usg.hr_ha@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

Conference A

David Vásquez, *Director*

Conference B

Chase Mitchell, *Director*



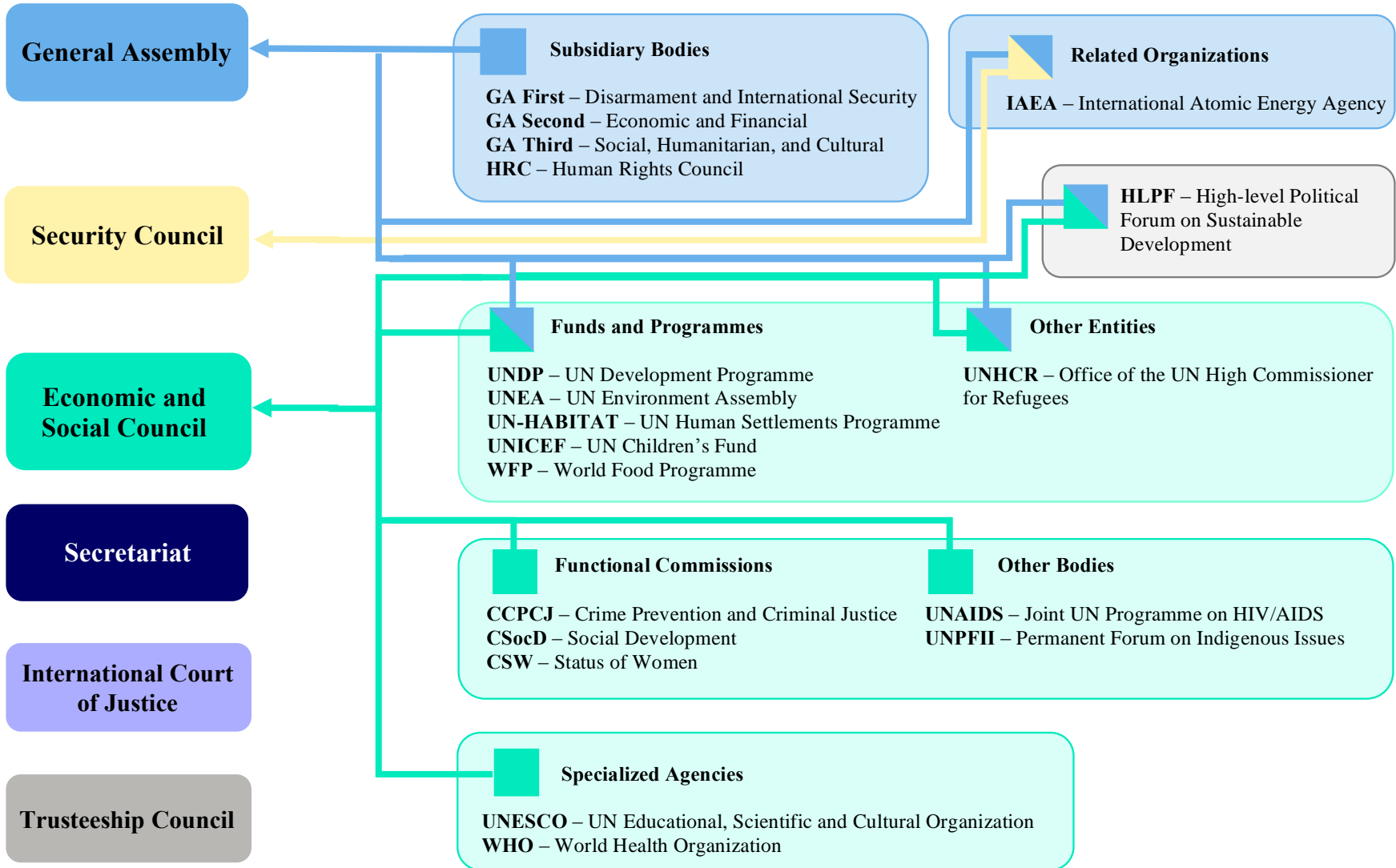
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United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.





Abbreviations

ASEAN	Association of Southeast Asian Nations
CBD	<i>Convention on Biological Diversity</i>
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CRC	<i>Convention on the Rights of the Child</i>
CSR	Corporate social responsibility
ECOSOC	Economic and Social Council
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FPIC	Free, prior, and informed consent
HRC	Human Rights Council
IASG	Inter-Agency Support Group
ICC	Inuit Circumpolar Council
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labour Organization
IPTF	Indigenous Peoples' Task Force
IWGIA	International Work Group for Indigenous Affairs
NGO	Non-governmental organization
NHRI	National human rights institution
OAS	Organization of American States
PPT	Pro-Poor Tourism
SDG	Sustainable Development Goal
SDWG	Sustainable Development Working Group
SRRIIP	Special Rapporteur on the rights of indigenous peoples
STCRC	Sustainable Tourism Cooperative Research Centre
SWAP	System-wide action plan
TIES	The International Ecotourism Society
UDHR	<i>Universal Declaration of Human Rights</i>
UN	United Nations
UNCLOS	<i>United Nations Convention on the Law of the Sea</i>
UNDRIP	<i>United Nations Declaration on the Rights of Indigenous Peoples</i>
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
UNIPP	United Nations Indigenous Peoples' Partnership
UNPFII	United Nations Permanent Forum on Indigenous Issues
UNWTO	United Nations World Tourism Organization
VDPA	<i>Vienna Declaration and Programme of Action</i>
WGIP	Working Group on Indigenous Populations
WINTA	World Indigenous Tourism Alliance



Committee Overview

"We will not achieve the Sustainable Development Goals if we fail to address the educational needs of indigenous peoples."¹

Introduction

The presence and impact of indigenous communities in the world is evident considering they occupy one fifth of the Earth's territory and comprise approximately 370 million people.² Their input has been important in the preparation of recent key international events, such as the United Nations (UN) Sustainable Development Summit in September 2015 and the 21st Conference of the Parties (COP 21) to the *UN Framework Convention on Climate Change* (UNFCCC).³ However, the rights of indigenous communities continue to be challenged in almost every region and in diverse ways.⁴ Their access and right to land and resources have been compromised due to infrastructure projects, extractive industries, and agricultural businesses.⁵ Indigenous communities have faced delays in land regulation, and they have suffered expropriation, land grabbing, and forced displacement.⁶ Additionally, their culture is threatened in many parts of the world due to discrimination and exclusion from decision-making processes.⁷ Indigenous leaders involved in the defense of their communities have been harassed, threatened, arrested, or murdered by military or paramilitary forces, or have faced extended prison sentences in cases where the law is used as a tool of repression.⁸

The **United Nations Permanent Forum on Indigenous Issues** (UNPFII) is a subsidiary body of the Economic and Social Council.

After struggling for decades, indigenous peoples found their concerns addressed in Economic and Social Council (ECOSOC) resolution 1982/34 of May 1982, entitled "Study of the problem of discrimination against indigenous populations," which created the Working Group on Indigenous Populations (WGIP).⁹ Over more than 20 years, the WGIP met annually, gathering independent experts and members of the now-defunct Sub-Commission on Prevention of Discrimination and Protection of Minorities, to analyze and review developments concerning the rights of indigenous peoples.¹⁰ Indigenous representatives pushed for increased participation in the WGIP's deliberations and prompted the creation of the Voluntary Fund for Indigenous Populations through General Assembly resolution 40/131 of December 1985 on "United Nations Voluntary Fund for Indigenous Populations."¹¹ The Fund functioned with contributions from governments and organizations, as well as public and private entities, and facilitated the presence of indigenous representatives in the WGIP's meetings.¹²

Subsequent efforts increased the visibility of indigenous issues, such as the World Conference on Human Rights, held in Vienna, Austria, in June 1993.¹³ The Conference recommended that the General Assembly proclaim an International Decade of the World's Indigenous People, which took shape with General Assembly resolution 48/163 of December 1993 on the "International Decade of the World's Indigenous People."¹⁴ The Decade, centered on the theme of "Indigenous people: partnership in action," sought to increase international cooperation in addressing indigenous issues including human rights, health, environment, education, and development.¹⁵ One of its most

¹ UN DPI, *International Day of the World's Indigenous Peoples 9 August, 2016*.

² Asia Pacific Forum of National Human Rights Institutions & OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*, 2013, p. 3.

³ IWGIA, *The UN Permanent Forum on Indigenous Issues*, 2013, p. 10.

⁴ Ibid.

⁵ Ibid., p. 13.

⁶ Ibid.

⁷ Asia Pacific Forum of National Human Rights Institutions & OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*, 2013, p. 7.

⁸ IWGIA, *The UN Permanent Forum on Indigenous Issues*, 2013, p. 15.

⁹ UN ECOSOC, *Study of the problem of discrimination against indigenous populations (E/1982/34)*, 1982.

¹⁰ OHCHR, *Mandate of the Working Group on Indigenous Populations*, 2016.

¹¹ OHCHR, *UN Voluntary Fund for Indigenous Peoples*, 2016.

¹² Ibid.

¹³ OHCHR, *World Conference on Human Rights, 14-25 June 1993, Vienna, Austria*, 2016.

¹⁴ Ibid.; OHCHR, *International Decades of the World's Indigenous People*.

¹⁵ Ibid.

outstanding achievements was generating debate over the formal establishment of a permanent forum for indigenous people, in close consultation with Member States, as well as intergovernmental and non-governmental organizations.¹⁶ The need for such a development was clear given the significant absence of coordination and regular exchange of information on indigenous issues between Member States, indigenous peoples, and the UN.¹⁷ Consequently, the International Decade of the World's Indigenous People recognized the establishment of such a forum as one of its key objectives.¹⁸

With ECOSOC resolution 2000/22, entitled “Establishment of a Permanent Forum on Indigenous Issues,” the UN Permanent Forum on Indigenous Issues (UNPFII) finally began operations as a subsidiary organ of ECOSOC in July 2000.¹⁹ The main objective of the Forum is to advise ECOSOC on indigenous issues and to generate discussion in areas as diverse as “economic and social development, culture, environment, education, health, and human rights.”²⁰ Continuous efforts to advance indigenous issues resulted in the Second International Decade on the World's Indigenous People, which commenced in 2005.²¹ UNPFII's role during this period was to create awareness on discrimination against women and generate actions to address it.²² It provided a platform for indigenous people to demand their inclusion in development processes and fostered the engagement and increased participation of international actors in its yearly sessions.²³

The Forum's role is complemented by the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the rights of indigenous peoples (SRRIP).²⁴ Although human rights areas are part of UNPFII's mandate, EMRIP reports directly to the Human Rights Council (HRC).²⁵ Its independent experts develop studies and proposals for the Council on topics such as the right of indigenous peoples to education and access to justice.²⁶ SRRIP works closely with relevant subsidiary organs of the HRC and the UN system to protect the rights of indigenous communities.²⁷ It gathers and administers information from diverse sources on alleged violations of the rights of indigenous communities and prepares recommendations on the matter.²⁸

Governance, Structure, and Membership

UNPFII is an expert committee consisting of sixteen members: eight members nominated by Member State governments and elected by ECOSOC and eight members elected after consultations between indigenous organizations, regional groups, and the Bureau of UNPFII.²⁹ All sixteen members hold seats as experts on indigenous issues, and their meetings are open to observers including Member States, UN bodies and organs, intergovernmental organizations, and non-governmental organizations with a consultative status with ECOSOC, which can also present statements regarding topics treated in the meeting's agenda.³⁰

At NMUN•NY 2017, all members of UNPFII
will be represented by their Member State governments.

¹⁶ UN General Assembly, *Review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493)*, 1996.

¹⁷ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

¹⁸ UN General Assembly, *Programme of activities for the International Decade of the World's Indigenous People (A/RES/50/157)*, 1996.

¹⁹ IWGIA, *The UN Permanent Forum on Indigenous Issues*, 2013, p. 495.

²⁰ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

²¹ UN General Assembly, *Second International Decade of the World's Indigenous People (A/RES/59/174)*, 2004.

²² UN General Assembly, *Midterm assessment of the progress made in the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People. Report of the Secretary-General (A/RES/65/166)*, 2010.

²³ *Ibid.*

²⁴ UN Division for Social Policy and Development, *Indigenous People at the UN*.

²⁵ UN HRC *Expert mechanism on the rights of indigenous peoples (A/HRC/RES/6/36)*, 2007.

²⁶ OHCHR, *Expert Mechanism on the Rights of Indigenous Peoples*, 2016.

²⁷ UN HRC, *Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples (A/HRC/RES/15/14)*, 2010.

²⁸ *Ibid.*

²⁹ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

³⁰ *Ibid.*; Docip, *Fact sheet on the UN Permanent Forum on Indigenous Issues*, 2016.

UNPFII carries out its mandate with the assistance of a Secretariat, created by General Assembly resolution 57/197 of 2003 on “Permanent Forum on Indigenous Issues.”³¹ The Secretariat advocates for the rights of indigenous issues within and outside the UN system, taking advantage of its permanent presence at UN Headquarters.³² Beyond organizing and coordinating UNPFII’s work every year, the Secretariat also helps to implement the recommendations arising from UNPFII’s annual meetings and generates awareness on indigenous issues within the UN system.³³ Its staff connects with Member States and the general public, disseminating information through social media, ensuring responsiveness to public queries, and organizing various activities, such as discussion forums and film screenings.³⁴

All of UNPFII’s operations are funded by the regular budget of the UN and its specialized agencies, along with voluntary contributions from Member States, intergovernmental and non-governmental organizations, and public and private entities.³⁵ The participation of indigenous representatives in UNPFII sessions is facilitated by the Trust Fund for the Second International Decade of the World’s Indigenous People, supported by Member States, private and public entities, and individuals.³⁶ The Fund was renewed in 2004, replacing the First International Decade’s funding mechanism, and is administered by the Secretary-General pursuant to the UN Secretariat Secretary-General’s bulletin ST/SGB/2013/4 on financial regulations and rules of the United Nations. It has had an evolving mandate since its inception in 1985.³⁷ The Fund has provided financial assistance to allow for representatives of indigenous communities to attend UNPFII sessions, and it has enabled indigenous organizations to participate in other related UN mechanisms.³⁸ The Fund also supports recommendations made by UNPFII through ECOSOC.³⁹

Mandate, Functions, and Powers

UNPFII is in charge of integrating indigenous issues across the UN system in fields such as the environment, economic and social development, culture, human rights, health, and education.⁴⁰ It is the main high-level advisory body to ECOSOC and other specialized UN agencies and funds, and it is responsible for raising awareness on the importance of indigenous issues and coordinating activities and disseminating information on the topic.⁴¹ As an expert body, it receives advice from its Bureau, which is comprised of one Chairperson, one Rapporteur, and four Vice-Chairs.⁴² Its mandate allows it to engage in dialogue with UN agencies, programs, and funds and advise them on how to align their policies and implement the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP).⁴³ To this end, UNPFII organizes specialized workshops and seminars on urgent and emerging issues concerning indigenous issues.⁴⁴

For every annual session of UNPFII, each of them lasting two weeks, its Secretariat drafts a provisional program of work two months in advance and makes it publicly available one month prior to the start of the session.⁴⁵ Preparations for an annual session include the adoption of the program of work and the definition of the next year’s session.⁴⁶ Meanwhile, indigenous peoples have the opportunity to engage in dialogue with UNPFII’s experts, Member States’ representatives, the SRRIP, and other UN entities and authorities.⁴⁷

³¹ UN General Assembly, *Permanent Forum on Indigenous Issues (A/RES/57/191)*, 2003.

³² UN-NGLS, *Secretariat of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*, 2015.

³³ UN DESA, *Secretariat of the Permanent Forum on Indigenous Issues*.

³⁴ *Ibid.*

³⁵ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

³⁶ OHCHR, *UN Voluntary Fund for Indigenous Peoples*, 2016.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ UN DESA, *United Nations Permanent Forum on Indigenous Issues: Handbook for Participants*, 2007, p. 20.

⁴⁰ Docip, *Fact sheet on the UN Permanent Forum on Indigenous Issues*, 2016.

⁴¹ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

⁴² UN DESA, *United Nations Permanent Forum on Indigenous Issues: Handbook for Participants*, 2007, p. 20.

⁴³ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 13.

⁴⁴ *Ibid.*

⁴⁵ UN DESA, *United Nations Permanent Forum on Indigenous Issues: Handbook for Participants*, 2007, p. 12.

⁴⁶ *Ibid.*

⁴⁷ IWGIA, *The Permanent Forum on Indigenous Issues*, 2016, p. 495.

UNPFII has focused on building cooperation with other UN bodies to tackle challenges.⁴⁸ In order to preserve the tangible and intangible heritage of indigenous communities, UNPFII has discussed the implementation of a mechanism to safely repatriate indigenous cultural items, such as human remains and ceremonial objects, requiring cooperation with the UN Educational, Scientific and Cultural Organization (UNESCO).⁴⁹ UNPFII has also supported the UN Indigenous Peoples' Partnership (UNIPP), an alliance between several UN-associated organizations, to facilitate the implementation of programs and international standards on indigenous issues at the national and local level.⁵⁰

Recent Sessions and Current Priorities

In 1994, the General Assembly proclaimed 9 August as the International Day of the World's Indigenous Peoples to commemorate the first meeting of WGIP in 1982.⁵¹ This celebration has moved the UN and the international community to recognize and raise awareness of the challenges indigenous peoples still face.⁵² In her remarks on the International Day of the World's Indigenous Peoples in 2015, UNPFII chair Megan Davis highlighted urgent health challenges in indigenous communities, including the necessity to disaggregate data on ethnicity, residence, gender, health, and social conditions in order to generate more culturally sensitive information to analyze and evaluate development programs.⁵³

UNPFII also recognizes that challenges remain concerning the education of indigenous peoples, including school education being provided in the national language, school terms ignoring pastoralism or nomadism, class management practices in the classroom clashing with indigenous communal practices, and national curricula tending to ignore indigenous peoples' history and culture.⁵⁴ Neglecting these principles defies article 14 of UNDRIP, which states that indigenous peoples have the right to provide culturally sensitive education in their own language, without any form of state discrimination and with control over their educational systems and institutions.⁵⁵

With the adoption of the *2030 Agenda for Sustainable Development* (2015), efforts are aimed at minimizing the gap between the educational opportunities that mainstream populations and indigenous peoples respectively receive, including culturally sensitive and relevant content.⁵⁶

The right to autonomy and self-determination is still a priority, as stated in UNPFII's 13th annual session, which focused on "Principles of good governance consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*: articles 3 to 6 and 46."⁵⁷ These articles also emphasize indigenous peoples' capacity to handle local and internal affairs through autonomy and self-government while respecting the principles enshrined in the *Charter of the United Nations* (1945).⁵⁸ These conclusions echoed Member States' commitments at the World Conference on Indigenous Peoples in 2014, which served as a platform for dialogue and exchange of perspectives on indigenous issues.⁵⁹ Commitments included higher consideration of the rights of indigenous communities, equal access to high-quality education, and the protection of indigenous peoples' health practices, traditional medicine, and knowledge.⁶⁰ These commitments are to be realized in direct consultation with indigenous representatives through the implementation of national action plans.⁶¹ However, indigenous leaders have raised concerns about the

⁴⁸ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 30.

⁴⁹ UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the fifteenth session (9-20 May 2016) (E/2016/43)*, 2016.

⁵⁰ OHCHR, *United Nations-Indigenous Peoples' Partnership (UNIPP)*.

⁵¹ UN DPI, *International Day of the World's Indigenous Peoples. 9 August. Background*, 2016.

⁵² UN Radio, *Supporting indigenous peoples' right to health care access*, 2015.

⁵³ UNPFII, *Remarks by Chair of the UN Permanent Forum on Indigenous Issues Megan Davis on the International Day of the World's Indigenous Peoples on 10 August 2015*, 2015.

⁵⁴ IWGIA, *Indigenous peoples and education*.

⁵⁵ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, art. 14.

⁵⁶ IWGIA, *Post 2015 Development Process: Education*, 2014.

⁵⁷ UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the thirteenth session (12-23 May 2014) (E/2014/43)*, 2014.

⁵⁸ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007, art. 5.

⁵⁹ UN General Assembly, *Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

⁶⁰ Ibid.

⁶¹ UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the fifteenth session (9-20 May 2016) (E/2016/43)*, 2016.

absence of specific mention of these commitments in the Sustainable Development Goals (SDGs) and targets within the post-2015 development agenda.⁶²

UNPFII's priorities also include ensuring the safety of indigenous groups involved in conflict, as stated in the report on its 15th session, "Indigenous peoples: conflict, peace and resolution."⁶³ Entire families have been confronted by national armies or paramilitary groups defending private corporations, whose interests can involve indigenous lands, territories, or resources.⁶⁴ During conflict, vulnerable groups like women and children face constant abuse and violence, including sexual violence and forced recruitment.⁶⁵ Furthermore, indigenous peoples sometimes find themselves stranded between two warring factions, causing displacement and perpetuating poverty.⁶⁶ Thus, UNPFII has urged Member States to include women in peace and reconciliation processes, to analyze root causes for conflict, and to improve judicial processes for prosecuting perpetrators.⁶⁷

Consequently, UNPFII recognizes the role women can play in economic and social development and advocates for their increased political participation. It recommends that Member States protect traditional indigenous practices, especially if they contribute to the fight against climate change, noting that the preservation of indigenous peoples' lands will contribute to their food security and food sovereignty.⁶⁸

Conclusion

After two decades of intense negotiations, during which the role of indigenous peoples has become more evident within the UN system, the establishment of UNPFII represents an important achievement.⁶⁹ UNPFII is one of the leading bodies within the UN system responsible for the promotion of indigenous peoples' interests.⁷⁰ Its mandate allows it to issue recommendations and give advice to Member States and UN agencies, programs, and specialized bodies on how to better implement the UNDRIP.⁷¹ Protecting indigenous peoples' cultural and economic rights will remain a challenge for UNPFII.⁷² Sustainable tourism represents an opportunity to boost the economy of communities sustainably and to promote local culture.⁷³ On the other hand, Member States' efforts in favor of conservation or development could take a toll on the livelihoods of indigenous communities in certain territories, such as the Arctic.⁷⁴

Annotated Bibliography

Office of the United Nations High Commissioner for Human Rights. (n.d.). *International Decades of the World's Indigenous People* [Website]. Retrieved 16 August 2016 from:

<http://www.ohchr.org/EN/Issues/IPeoples/Pages/InternationalDecade.aspx#main>

This website will provide delegates with alternative sources when researching historical milestones of their committee. It offers diverse documents for the First and Second International Decades on the World's Indigenous Peoples that created the infrastructure within which the UN protects indigenous peoples' rights. It will serve as an introductory source for delegates to understand the evolution of topics and initiatives pertaining to indigenous peoples.

Secretariat of the Permanent Forum on Indigenous Issues. (2016). *The Permanent Forum on Indigenous Issues*. In International Work Group for Indigenous Affairs (IWGIA), *The Indigenous World* (pp. 495-501). Retrieved 17

⁶² UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the fourteenth session (20 April-1 May 2016) (E/2015/43)*, 2015, p. 6.

⁶³ UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the fifteenth session (9-20 May 2016) (E/2016/43)*, 2016.

⁶⁴ *Ibid.*, p. 13.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ OHCHR, *International Decades of the World's Indigenous People*.

⁷⁰ UN Division for Social Policy and Development, *Indigenous People at the UN*.

⁷¹ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 13.

⁷² *Ibid.*

⁷³ UN DESA, *Sustainable tourism*, 2015.

⁷⁴ IWGIA, *The Permanent Forum on Indigenous Issues. In The Indigenous World*, 2016, p. 26.

August 2016 from: [http://www.iwgia.org/images/stories/sections/human-rights/IW2016/The Permanent Forum on Indigenous Issues IW2016_web_redu.pdf](http://www.iwgia.org/images/stories/sections/human-rights/IW2016/The_Permanent_Forum_on_Indigenous_Issues_IW2016_web_redu.pdf)

This article offers a comprehensive overview of the international context in which UNPFII operates, including relevant international events and the entry into force of relevant documents, such as the 2030 Agenda for Sustainable Development. Furthermore, the document raises the possibility of establishing an additional protocol to help UNPFII monitor the implementation of the UNDRIP on a national level. The document will help delegates deepen their understanding of the committee and how it relates to other UN mechanisms concerning indigenous rights.

United Nations, Department of Economic and Social Affairs. (2007). *United Nations Permanent Forum on Indigenous Issues: Handbook for Participants*. Retrieved 20 September 2016 from: <http://un-documents.net/unpfi-participants-handbook.pdf>

Aimed at participants at UNPFII sessions, this handbook gives a clear description of UNPFII's working methods and procedures. Beyond providing insights on the history, membership, and structure of the Forum, the handbook is a comprehensive guide to how UNPFII operates and how it is related to other UN mechanisms concerning indigenous issues. Delegates will find this a useful tool for understanding how the committee functions and their role as representatives in it.

United Nations, Economic and Social Council. (2000). *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)* [Resolution]. Retrieved 16 August 2016 from: <http://www.undocs.org/E/2000/22>

This resolution is the founding document of UNPFII. It established the components of the Forum, its membership, and its structure. It will serve as the main document for delegates to understand the origin of UNPFII and the reasons for its creation. Furthermore, it clarifies the role of UNPFII as the main advisory body to ECOSOC regarding indigenous issues. Delegates will find this a useful source of information on the basic principles regarding the functioning of their committee.

United Nations, General Assembly, Sixtieth session. (2005). *Draft Programme of Action for the Second International Decade of the World's Indigenous People: Report of the Secretary-General (A/60/270)*. Retrieved 16 August 2016 from: <http://www.undocs.org/A/60/270>

This document is a valuable source of information on UNPFII's areas of focus. Although it does not cover education or culture, the document describes the work carried out by UNPFII worldwide regarding human rights, economic and social development, health, and the environment. It will provide delegates with examples of the interactions between indigenous communities and their environment and the role of Member States in defending indigenous rights.

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I. Global Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Introduction

Approximately 370 million indigenous people live in the world today, scattered across 90 countries.⁷⁵ They are divided into 5,000 different groups, and 70% of them live on the Asian continent.⁷⁶ Their contribution to sustainable development is evident and diverse: they have ancestral knowledge of alternative health treatments, possess strategies for mitigating the risks associated with natural disasters and climate change, and contribute a vast cultural richness of approximately 4,000 languages.⁷⁷ Still, indigenous communities represent about 15% of the world's poor and 33.3% of the rural poor.⁷⁸ Their culture is threatened and their rights are challenged, especially those concerning access to land and resources due to factors like urbanization or large-scale farming.⁷⁹

For decades, indigenous communities have pushed for increased participation in decision-making processes to promote, defend, and gain respect for their rights.⁸⁰ The Working Group on Indigenous Populations (WGIP), in charge of analyzing developments and generating expert discussions on indigenous issues, began drafting the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) in 1985, which remained under review for the next ten years.⁸¹ These developments occurred against the backdrop of a lack of coordination and exchange of information between Member States, indigenous peoples, and the United Nations (UN) regarding indigenous issues.⁸² Finally, the Human Rights Council (HRC) authorized the submission of the document to the UN General Assembly for a vote.⁸³ After a process of over 20 years of negotiations, the General Assembly adopted UNDRIP in 2007.⁸⁴ At the time of the vote, 144 Member States voted in favor, with 11 abstentions and 4 votes against.⁸⁵ In the following years, the Declaration gained support thanks to the advocacy efforts of indigenous peoples, and opposing Member States decided to ratify it, including Australia (2009), Canada (2010), and the United States of America (2010).⁸⁶

The definition of “indigenous peoples” represented a challenge for many governments during the establishment of the Declaration.⁸⁷ However, an initial definition was provided by the *Convention on the Rights of Indigenous and Tribal Peoples in Independent Countries, No. 169*, adopted in 1989 by the International Labour Organization (ILO):

“[P]eoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.”⁸⁸

⁷⁵ World Bank, *Indigenous peoples overview*, 2016.

⁷⁶ Cultural survival, *Who are indigenous peoples?*

⁷⁷ World Bank, *Indigenous peoples overview*, 2016; IPU et al., *Implementing the UN Declaration on the Rights of Indigenous Peoples*, 2014, p. 7.

⁷⁸ Hall, *Poverty and exclusion among Indigenous Peoples: The global evidence*, 2016.

⁷⁹ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 4.

⁸⁰ OHCHR, *UN Voluntary Fund for Indigenous Peoples*, 2016.

⁸¹ Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 6.

⁸² UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/2000/22)*, 2000.

⁸³ Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 6.

⁸⁴ *Ibid.*; UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

⁸⁵ Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 6.

⁸⁶ UNICEF, *United Nations Declaration on the Rights of Indigenous Peoples for indigenous adolescents*, 2013, p. 10; Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 6.

⁸⁷ IPU et al., *Implementing the UN Declaration on the Rights of Indigenous Peoples*, 2014, p. 12.

⁸⁸ ILO, *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, 1989, art. 1.

Today, UNDRIP strives to further the rights of indigenous peoples in nine areas: equality and non-discrimination; cultural integrity; collective rights; self-determination; autonomy; participation, consultation, and consent; lands, territories, and resources; development with identity; and redress and compensation.⁸⁹ All of them are addressed by the work of the UN Permanent Forum on Indigenous Issues (UNPFII), which engages in dialogues with UN agencies, programs, and funds and advises them on how to align their policies and implement UNDRIP to effectively realize the rights of indigenous peoples.⁹⁰

International and Regional Framework

Until the adoption of UNDRIP in 2007, several UN legal documents included provisions concerning the rights of indigenous peoples, but there was not one specific document focusing entirely on them.⁹¹ Respect for principles such as self-determination of peoples and equal rights is enshrined in Article 1 of the *Charter of the United Nations* (1945); friendly relations among nations are to be based on respect for such principles.⁹² Furthermore, the Charter demands the respect and promotion of human rights and fundamental freedoms without discrimination on the basis of language, a distinction of various indigenous groups around the world.⁹³

The ILO published the first international treaty focusing specifically on indigenous peoples, the *Convention on Indigenous and Tribal Populations* (No. 107), in 1957, recognizing the need to have a legal standard focusing only on indigenous peoples and their unique characteristics.⁹⁴ However, criticism arose as the Convention encouraged the assimilation and integration of indigenous communities into the population at large.⁹⁵ Increased participation of indigenous representatives in the review process of Convention 107 resulted in states distancing themselves from it and considering the revised *Convention on the Rights of Indigenous and Tribal Peoples in Independent Countries* (No. 169) in 1989.⁹⁶ This second convention emphasizes the need for increased protection and consideration of the culture, lifestyle, traditions, identity, and customs of indigenous peoples, as well as of their personal approach to and pace of development.⁹⁷ Since its inception, Convention 169 has become one of the most respected documents in the promotion of the rights of indigenous communities around the globe, although it has been ratified by only 22 Member States.⁹⁸

The *Universal Declaration of Human Rights* (UDHR) (1948), the *International Covenant on Civil and Political Rights* (ICCPR) (1966), and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966), collectively referred to as the *International Bill of Rights*, further reinforce a legal framework around indigenous issues.⁹⁹ While UDHR includes general legal guidelines regarding the rights to education, non-discrimination, full participation, legal protection and recognition, and nationality for all, ICCPR and ICESCR include more specific guidelines.¹⁰⁰ ICCPR recognizes the right to pursue economic, social, and cultural development, as well as the right to self-determination, in conformity with the Charter.¹⁰¹ Furthermore, it grants ethnic, religious, or linguistic minorities the right to enjoy their own culture.¹⁰² The Committee on Economic, Social and Cultural Rights (CESCR), the monitoring mechanism for ICESCR's implementation, has further recognized the right of indigenous

⁸⁹ Asia Pacific Forum of National Human Rights Institutions & OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*, 2013, p. 36.

⁹⁰ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 13; Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 29.

⁹¹ University of Minnesota Human Rights Center, *Study Guide: The Rights of Indigenous Peoples*, 2003.

⁹² *Charter of the United Nations*, 1945, Art. 1.

⁹³ *Ibid.*

⁹⁴ ILO, *Indigenous and Tribal Populations Convention*, 1957, p. 4.

⁹⁵ ILO, *ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169): A Manual*, 2003, p. 4.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, p. 5.

⁹⁸ ILO, *Ratifications of C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, 2016.

⁹⁹ UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966, art. 1.

¹⁰⁰ *Ibid.*, art. 27.

¹⁰¹ *Ibid.*, art. 1.

¹⁰² *Ibid.*, art. 27.

peoples to act collectively and ensured the respect of their relationship with nature, their means of subsistence, and their natural resources in its *General Comment No. 21* from 2009.¹⁰³

In 1997, the Committee on the Elimination of Racial Discrimination (CERD) emphasized that the provisions of the 1965 *Convention on the Elimination of All Forms of Racial Discrimination* also apply to indigenous peoples, and it has since called on Member States to “provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics.”¹⁰⁴ Further requests to Member States have been made by the Committee on the Elimination of Discrimination against Women, which has raised awareness on societal factors that can influence and differentiate the health status of women and men, emphasizing the need to pay special attention to indigenous women.¹⁰⁵ To guarantee the rights of the indigenous child, the *Convention on the Rights of the Child* (CRC) (1989) calls upon Member States to help build a society that guarantees children’s right to enjoy their own culture, to profess and practice their own religion, and to speak their own language.¹⁰⁶ At the time of the adoption of the CRC, remaining challenges facing indigenous rights were various, and the realization of the *Vienna Declaration and Programme of Action* (VDPA) in 1993 triggered global momentum for the defense of human rights.¹⁰⁷ Furthermore, the VDPA welcomed the realization of milestones for the empowerment of indigenous peoples, such as the International Year of the World’s Indigenous Peoples and the first International Decade of the World’s Indigenous Peoples.¹⁰⁸ The VDPA also praised the efforts of the international community to establish a permanent forum on indigenous issues.¹⁰⁹

On a regional level, the Indigenous Peoples’ Task Force (IPTF) advocates for increased participation and visibility of indigenous peoples in Southeast Asia.¹¹⁰ IPFT has been building networks to increase indigenous peoples’ contribution in the work of the Association of Southeast Asian Nations (ASEAN) and its Intergovernmental Commission on Human Rights (AICHR).¹¹¹ In Africa, the African Commission on Human and Peoples’ Rights included indigenous issues in its discussions and established the Working Group on the Rights of Indigenous Populations/Communities during its 28th Ordinary Session in 2000.¹¹² Its aim was to support indigenous communities by gathering information on violations of their human rights, undertaking country visits to study their living conditions, and formulating recommendations for Member States on appropriate measures for guaranteeing their well-being.¹¹³ In the Americas, the General Assembly of the Organization of American States (OAS) adopted the *American Declaration on the Rights of Indigenous Peoples* by acclamation in 2016.¹¹⁴ The Declaration is a non-binding document that recognizes the rights of 50 million indigenous peoples and citizens, who self-identify as indigenous peoples, to self-determination, land, resources, and free and informed prior consent.¹¹⁵

Role of the International System

The implementation of UNDRIP translates into generating actions that accelerate the realization of indigenous rights.¹¹⁶ In this regard, the UN Permanent Forum on Indigenous Issues (UNPFII) develops specific actions in its interactions with Member States, holding discussions at its annual sessions on six mandated areas influencing indigenous peoples’ livelihoods: economic and social development, health, education, human rights, culture, and the

¹⁰³ UN CESCR, *General comment No. 21 (E/C.12/GC/21)*, 2009, p. 9.

¹⁰⁴ UN General Assembly, *Report of the Committee on the Elimination of Racial Discrimination (A/52/18)*, 1997, p. 122.

¹⁰⁵ UN General Assembly, *Report of the Committee on the Elimination of Discrimination against Women (A/54/38/Rev.1)*, 1999, p. 3.

¹⁰⁶ UN General Assembly, *Convention on the Rights of the Child (A/RES/44/25)*, 1989, Art. 17, 19, 30.

¹⁰⁷ UN World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 1993.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ IWGIA, *ASEAN Intergovernmental Commission on Human Rights, AICHR*

¹¹¹ *Ibid.*

¹¹² African Commission on Human and Peoples’ Rights, *About. Working Group on the Rights of Indigenous Populations/Communities*, 2016.

¹¹³ *Ibid.*

¹¹⁴ OAS, *A 17-Year Wait Pays off for Indigenous Peoples*, 2016.

¹¹⁵ *Ibid.*

¹¹⁶ Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 29.

environment.¹¹⁷ Through its mandate, UNPFII accelerates actions towards meaningful implementation of UNDRIP, and it has increased participation of indigenous peoples in international decision-making processes.¹¹⁸ During the organization of the World Conference on Indigenous Peoples, UNPFII enabled participation of indigenous representatives in the preparatory discussions for the conference.¹¹⁹

UNPFII also gathers information on Member States' progress regarding the implementation of its recommendations and UNDRIP at the national level, issuing questionnaires to assess this progress.¹²⁰ Furthermore, UNPFII has raised awareness on urgent issues and appealed to international and local institutions to develop studies in these areas.¹²¹ Such issues have evidenced the persisting need to protect and realize indigenous rights.¹²² Issues include a high incidence of suicide and self-harm within indigenous communities.¹²³ The problematic has moved UNPFII to recommend the organization of workshops on prevention of suicide and best practices for youth, in close cooperation with UN agencies and Member States.¹²⁴

Complementary to UNPFII, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and the Special Rapporteur on the rights of indigenous peoples strive to promote the implementation of UNDRIP by sharing information and coordinating their activities and their mandates during annual discussions.¹²⁵ EMRIP provides HRC with proposals and thematic expertise through research and studies.¹²⁶ During the last decade, EMRIP has issued reports and studies on indigenous issues such as education, participation in decision-making, the role of languages and culture in identity, and access to justice.¹²⁷ The Special Rapporteur on the rights of indigenous peoples holds a mandate to review Member States' adherence to and compliance with the principles enshrined in UNDRIP.¹²⁸ To this end, the Special Rapporteur interacts with Member States through country visits and raises awareness on alleged violations of the rights of indigenous peoples.¹²⁹ The Special Rapporteur also exchanges information on such violations with Member States, UN mechanisms and agencies, and non-governmental organizations (NGOs), and he formulates recommendations on ways to prevent and tackle such violations in his reports to HRC.¹³⁰

To mobilize a broader spectrum of the international community, the Inter-Agency Support Group (IASG) coordinates 41 intergovernmental and multilateral organizations, specialized agencies, and UN bodies, helping to implement the recommendations of UNPFII with input and advice.¹³¹ A cornerstone of its work is reflected in the development of the "System-Wide Action Plan for a coherent approach to achieving the ends of the *United Nations Declaration on the Rights of Indigenous Peoples*."¹³² The action plan looks to influence the work of the UN system in addressing indigenous issues and aims to raise awareness on UNDRIP and indigenous issues, support the implementation of UNDRIP, particularly at the country level, and develop the capacities of states, indigenous peoples, civil society, and UN personnel at all levels.¹³³

¹¹⁷ UN ECOSOC, *Analysis prepared by the secretariat of the Permanent Forum on Indigenous Peoples: Note by the Secretariat (E/C.19/2015/3)*, 2015, p. 4.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*, p. 5.

¹²¹ *Ibid.*, p. 4.

¹²² *Ibid.*, p.11.

¹²³ *Ibid.*, p.11.

¹²⁴ *Ibid.*, p.12.

¹²⁵ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 17.

¹²⁶ *Ibid.*, p. 15.

¹²⁷ *Ibid.*, p. 15.

¹²⁸ Asia Pacific Forum of National Human Rights Institutions & UN OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*, 2013, p. 38.

¹²⁹ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 16.

¹³⁰ *Ibid.*

¹³¹ UN Division for Social Policy and Development, *Inter-Agency Support Group (IASG)*.

¹³² UN Division for Social Policy and Development, *System-wide action plan (SWAP)*.

¹³³ UN ECOSOC, *System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2016/5)*, 2016, p. 3.

Challenges to the Full Implementation of UNDRIP

Although UNDRIP represents a comprehensive starting point for addressing indigenous peoples' rights, Member States face challenges regarding its implementation at the national level.¹³⁴ Its "aspirational" character represents only a moral or customary legal guideline for Member States, and it lacks supervision or monitoring mechanisms similar to those of a treaty or a convention.¹³⁵ Obstacles for Member States include the complexity and broad scope of UNPFII's recommendations, which require, in many cases, legislative changes that can take years to implement.¹³⁶ Other concerns for Member States include topics such as "free, prior, and informed consent" (FPIC), which grants indigenous communities the right to give or withhold consent to project proposals that might affect the way they live or the lands they use, occupy, or own.¹³⁷ There has been fear that FPIC could come into conflict with existing laws and hinder the ability of national governments to make decisions affecting their countries.¹³⁸

The country-specific situations of indigenous peoples demand a comprehensive contextualization of policies and strategies, which challenges the capacities of national institutions.¹³⁹ As stated in 2015 during an Expert Meeting of the UN Department of Economic and Social Affairs, Member States with indigenous peoples as minorities were "tempted" to marginalize them during the implementation of development policies due to, for instance, the complexity of integrating their cultural and linguistic characteristics or the financial implications that integrating UNDRIP in national legislations.¹⁴⁰ Although Member States have expressed satisfaction with UNDRIP as a useful guideline for the development of national policies, they have recognized its limitation as a non-binding document.¹⁴¹ This requires Member States to find unique approaches compatible with both their respective national legislation and the provisions of UNDRIP.¹⁴²

Monitoring UNDRIP's Implementation

Measuring the implementation of UNDRIP at the national level requires significant commitment and investment from Member States.¹⁴³ Since they are not legally bound by UNDRIP's provisions, governments often consider it as only a moral, aspirational set of guidelines.¹⁴⁴ Therefore, various proposals have been conceived to assist Member States in this task and to monitor their progress.¹⁴⁵ Entitling UNPFII or EMRIP to draft a treaty and open the possibility for the creation of a monitoring mechanism was challenged during discussions between Member States in 2015; an alternative was creating robust programs to raise awareness and providing technical assistance to governments and indigenous peoples.¹⁴⁶ Both alternatives would enable the elaboration of strategies to address violations and prepare remedies after their execution.¹⁴⁷ Another possibility is allowing the Special Rapporteur on

¹³⁴ UN ECOSOC, *Compilation of information from Member States on addressing the recommendations of the Permanent Forum: Note by the Secretariat (E/C.19/2016/6)*, 2016, p. 12.

¹³⁵ UNICEF, *United Nations Declaration on the Rights of Indigenous Peoples for indigenous adolescents*, 2013, p. 5.

¹³⁶ UN ECOSOC, *Compilation of information from Member States on addressing the recommendations of the Permanent Forum: Note by the Secretariat (E/C.19/2015/5)*, 2015, p. 9.

¹³⁷ Forest Peoples Program, *Free, prior and informed consent (FPIC)*.

¹³⁸ Scrimshaw, *Unpacking UNDRIP: How Trudeau could take Crown/First Nations law into uncharted waters*, 2016.

¹³⁹ UN ECOSOC, *Compilation of information from Member States on addressing the recommendations of the Permanent Forum: Note by the Secretariat (E/C.19/2015/5)*, 2015, p. 11.

¹⁴⁰ UN Division for Social Policy and Development, *Indigenous Peoples and Agenda 2030*, 2015, p. 3; Favel & Coates, *Understanding UNDRIP. Choosing action on priorities over sweeping claims about the United Nations Declaration on the Rights of Indigenous Peoples*, 2016, p. 25.

¹⁴¹ UN ECOSOC, *Compilation of information from Member States on addressing the recommendations of the Permanent Forum: Note by the Secretariat (E/C.19/2015/5)*, 2015, p. 12.

¹⁴² *Ibid.*

¹⁴³ UN DESA, *Expert Group Meeting: Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples*, 2015, p. 6.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*, p. 3.

¹⁴⁶ *Ibid.*, pp. 3. 5.

¹⁴⁷ *Ibid.*, p. 5.

the rights of indigenous peoples to collect information on the progress states have made regarding UNDRIP's implementation during his country visits.¹⁴⁸

Monitoring can also be carried out through the role of national human rights institutions (NHRIs), which fulfil functions such as raising public awareness on human rights issues, advising states and corporations on how to effectively comply with national and international human rights standards, and investigating alleged human rights violations through collaboration with other organizations.¹⁴⁹ Their reports are issued to parliamentarians, annexing recommendations with regard to, for instance, the impact of such violations on the enjoyment of indigenous rights.¹⁵⁰ The reports would update governments on the situation of human rights in their respective countries and include potential methods of formulating policy.¹⁵¹ These reports would be all the more legitimate if indigenous communities were able to provide profound contributions during the investigation and drafting process.¹⁵²

Developing indicators for effective monitoring and measurement

UNPFII has recognized that the collection and disaggregation of data is a methodological strategy for accelerating the implementation of UNDRIP.¹⁵³ If inclusive, data disaggregation empowers indigenous communities to participate in follow-up processes and monitor the progress of UNDRIP's implementation.¹⁵⁴ However, this process faces various challenges: migration or urbanization processes which disband indigenous families, emergency situations that displace populations, and the complexity of defining terms such as "indigenous," "tribal," or "ethnic."¹⁵⁵ In 2016, new proposals have been made on how the UN can support Member States in better implementing UNDRIP.¹⁵⁶ Such proposals derive from Member States' challenges and are enshrined in ECOSOC resolution E/C.19/2016/6 on "Compilation of information from Member States on addressing the recommendations of the Permanent Forum," which states the need for the UN to provide technical assistance and develop indicators for Member States to more effectively assess their progress.¹⁵⁷ It also expresses the need to encourage UNPFII and EMRIP to avoid the duplication of their recommendations, as well as to incentivize knowledge sharing between Member States.¹⁵⁸

The development of indicators will facilitate monitoring by creating common standards.¹⁵⁹ Realization of the right to land could be measured by the percentage of women, men, indigenous peoples, and local communities (IPLCs) with secure rights to land, property, and natural resources, which are verified by legal documented or recognized evidence of tenure.¹⁶⁰ Similarly, the proportion of births attended by an intercultural health team could be considered proof of the achievement of the right to health.¹⁶¹

Though none of the targets of the *2030 Agenda for Sustainable Development* suggests disaggregation of data by indigenous identity, it is nonetheless recognized as an important means of identifying the degree to which indigenous people have access to rights.¹⁶² Various legal, political, and technical issues pose a challenge to the development of disaggregated data, which will require building the capacities of data producers (indigenous communities) and users (NGOs, NHRIs), as well as using reliable data sources that are legitimized by Member

¹⁴⁸ UN DESA, *Expert Group Meeting: Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples*, 2015, p. 4.

¹⁴⁹ Asia Pacific Forum of National Human Rights Institutions & OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*, 2013, p. 44.

¹⁵⁰ *Ibid.*, p. 51.

¹⁵¹ *Ibid.*, p. 70.

¹⁵² *Ibid.*, p. 84.

¹⁵³ UN Division for Social Policy and Development, *Data and indicators*.

¹⁵⁴ UN ECOSOC, *Permanent Forum on Indigenous Issues: Report on the fifteenth session (9-20 May 2016) (E/2016/43)*, 2016, p. 10.

¹⁵⁵ UN Division for Social Policy and Development, *Data and indicators*.

¹⁵⁶ UN ECOSOC, *Compilation of information from Member States on addressing the recommendations of the Permanent Forum: Note by the Secretariat (E/C.19/2016/6)*, 2016, p. 12.

¹⁵⁷ *Ibid.*

¹⁵⁸ *Ibid.*

¹⁵⁹ AIPP, *Position Paper on Proposed SDG Indicators*, 2015, p. 4.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² *Ibid.*

States' legal and institutional frameworks.¹⁶³ Furthermore, the collection, processing, analysis, and dissemination of data should still ensure that human rights such as participation, data protection, and self-identification of producers are protected.¹⁶⁴

Conclusion

Although UNDRIP represents a comprehensive instrument for the protection of the rights of indigenous peoples, it remains a non-binding document that Member States consequently view as a mere guideline. Compliance with the Declaration has been addressed through different alternatives, including the creation of a monitoring mechanism, the provision of technical assistance for States, and the development of awareness campaigns.¹⁶⁵ The role of UNPFII has focused on different areas, including calling upon Member States to issue studies or questionnaires on their progress and providing Member States with a forum to discuss urgent issues.¹⁶⁶ Beyond these contributions, UNPFII is also endowed with the responsibility of addressing challenges identified by States during the process of implementation of UNDRIP.¹⁶⁷ They include the incorporation of complex recommendations at the domestic level, increased cooperation between stakeholders to share experiences and generate technical assistance, increased use of alternative hearing platforms to solve human rights issues, and awareness raising on the importance of implementing UNDRIP to realize the rights of indigenous peoples.¹⁶⁸

Further Research

Delegates are encouraged to ideate strategies to solve the following issues: How can the process of implementing UNDRIP avoid work overlap between the bodies or agencies involved? How can UNPFII support Member States in implementing its recommendations and UNDRIP at the national level? How can UNPFII support Member States in a process of data disaggregation that ensures that the rights of the communities involved are respected?

Annotated Bibliography

Asia Pacific Forum of National Human Rights Institutions & United Nations Office of the United Nations High Commissioner for Human Rights. (2013). *The United Nations Declaration on the Rights of Indigenous Peoples. A Manual for National Human Rights Institutions*. Retrieved 17 July 2016 from: <http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

This manual will serve as a research tool for delegates to help them understand the legal status of the Declaration. Furthermore, it will provide evidence on the relation between UNDRIP and other legal standards, such as ICCPR, ICESCR, and the International Convention on the Elimination of All Forms of Racial Discrimination. Finally, it will explain the role of national institutions in the implementation of the Declaration at a country level.

Indigenous Bar Association. (2011). *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*. Retrieved 20 August 2016 from: http://www.indigenousbar.ca/pdf/undrip_handbook.pdf

A concise approach to the background of UNDRIP, this document provides an example of how the Declaration can be applied in the Canadian context. It also addresses fundamental rights included in UNDRIP and explains their significance for indigenous peoples. Beyond giving further documentation, it will provide delegates with a valuable introduction to how the Declaration can be applied in specific contexts.

¹⁶³ OHCHR, *SDGs Indicator Framework*, 2015, p. 4.

¹⁶⁴ Ibid.

¹⁶⁵ UN DESA, *Expert Group Meeting: Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples*, 2015, p. 5.

¹⁶⁶ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 16.

¹⁶⁷ Indigenous Bar Association, *Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook*, 2011, p. 29.

¹⁶⁸ Ibid.

Inter-Parliamentary Union et al. (2014). *Implementing the UN Declaration on the Rights of Indigenous Peoples. Handbook for Parliamentarians N° 23*. Retrieved 20 August 2016 from:
<http://www.ipu.org/PDF/publications/indigenous-en.pdf>

This document will help delegates understand the importance of UNDRIP for Member States in different areas, such as democracy and culture. Furthermore, it complements definitions of “indigenous peoples” and contributes with an analysis of the rights included in UNDRIP. It will provide delegates with a strong political view of the Declaration.

International Labour Organization. (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. Retrieved 18 August 2016 from:
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312314

This is a cornerstone document that clearly defines the commitments that State parties acquire when ratifying the Convention. It also includes additional useful information for delegates such as the definition of indigenous peoples. It is important to take into account that the bibliography in this background guide includes a link to the current status of ratification of the Convention.

International Labour Organization. (2003). *ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169): A Manual*. Retrieved 20 August 2016 from:
http://pro169.org/res/materials/en/general_resources/Manual%20on%20ILO%20Convention%20No.%20169.pdf

This manual is a complete guide to ILO Convention 169, as it explains its historical evolution and the criticism surrounding predecessor documents. It includes a definition of indigenous peoples, taking into account diverse sources. Finally, it will help delegates more easily interpret ILO Convention 169 and provide insight into the origin of the topic and its evolution.

Office of the United Nations High Commissioner for Human Rights. (2013). *Indigenous Peoples and the United Nations Human Rights System [Fact Sheet]*. Retrieved 10 October 2016 from
<http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf>

This factsheet explores several areas necessary for delegates to understand before committee. It offers an introduction to the legal framework around indigenous issues, explaining instruments such as the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169. It also gives a comprehensive explanation of the mandate of UNPFII and its role as a space for meaningful discussion and analysis. Furthermore, the factsheet clarifies how the institutional infrastructure around indigenous peoples functions, including UNPFII, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the Rights of Indigenous Peoples. It is a comprehensive tool that will help delegates understand the interaction of their committee with other important UN mechanisms dealing with indigenous issues.

Office of the United Nations High Commissioner for Human Rights. (2015). *SDGs Indicator Framework: A Human Rights Approach to Data Disaggregation to Leave No One Behind [Draft Background Note]*. Retrieved 31 October 2016 from <http://www.ohchr.org/Documents/Issues/HRIndicators/DataDisaggregation.pdf>

Data disaggregation offers a precise and in-depth method of studying the impact of development policies. This draft background note explains its virtues but also evidences political, technical, and financial challenges. Furthermore, it emphasizes the requirements that research using data disaggregation must meet in order to ensure the protection of human rights of participating indigenous peoples. As the topic is repeatedly endorsed as a tool to better represent and include vulnerable groups, delegates should be aware on how they will have to join efforts to develop coherent and consolidated initiatives on this regard.

United Nations Children’s Fund. (2013). *United Nations Declaration on the Rights of Indigenous Peoples for indigenous adolescents*. Retrieved 20 August 2016 from:
http://files.unicef.org/policyanalysis/rights/files/HRBAP_UN_Rights_Indig_Peoples.pdf

This is a document that explains the content of UNDRIP and connects its mission to other compatible legal documents, such as the CRC and ILO Convention 169. It is a useful introductory resource for delegates to start their research on the topic, as it includes initial explanations of the scope of the Declaration in areas that imply the respect of fundamental rights including self-determination, cultural identity, and free, prior, and informed consent. Furthermore, it summarizes and explains the functions that regimes, UN mechanisms, and agencies, such as

UNPFII, the Special Rapporteur on the Rights of Indigenous Peoples, the International Day of the World's Indigenous Peoples, and the Expert Mechanism on the Rights of Indigenous Peoples, fulfil in relation to indigenous issues.

United Nations, Department of Economic and Social Affairs. (2015). *Expert Group Meeting: Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples* [Expert Paper]. Retrieved 21 August 2016 from: <http://www.un.org/esa/socdev/unpfii/documents/EGM/2015/Experts-papers/Suhas-Chakma.pdf>

This document exposes an interesting vision on the perspectives for the creation of an optional protocol to UNDRIP that would monitor its implementation. It explains the conditions that would allow this to happen and explores examples of conventions and treaties that would use this mechanism. Most importantly, it offers perspectives on how other UN mechanisms involved with indigenous issues could expand their mandates and contribute to implementing the protocol through monitoring functions.

United Nations, Economic and Social Council. (2016). *System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2016/5)*. Retrieved 20 August 2016 from: <http://www.undocs.org/E/C.19/2016/5>

The System-Wide Action Plan aims to address indigenous rights and shape the functioning of the UN in its favor. Its six components define clearly how the organization should involve Member States in developing actions to implement UNDRIP, from raising awareness on indigenous issues to providing guidance on implementation of the Declaration at the domestic level. Beyond explaining how UN infrastructure can align around one topic, it may help delegates during the drafting of their proposals for committee.

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II. Sustainable Tourism and the Economic, Social, and Cultural Rights of Indigenous Peoples

*“Tourism can be a huge force for good, helping local communities by providing employment, improving living standards and helping to protect precious natural resources and habitats. Unfortunately, a lot of tourism does exactly the opposite.”*¹⁶⁹

Introduction

In 2015, almost 1.2 billion tourists travelled internationally, a number that is expected to grow rapidly in the coming years.¹⁷⁰ There is significant potential for states and indigenous communities to benefit from tourism, but doing so in a responsible and sustainable manner can be difficult, especially in less developed states.¹⁷¹ The modern concept of sustainability stems from the 1987 report *Our Common Future*, which defined sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹⁷² While frameworks on sustainability have advanced, this definition is the basis for sustainability in tourism.¹⁷³ Sustainable tourism can be defined as “tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment, and host communities.”¹⁷⁴ Tourists are increasingly seeking out tourism offerings that are sustainable and provide authentic natural and cultural experiences, including on indigenous lands and within indigenous communities.¹⁷⁵

The United Nations (UN) Permanent Forum on Indigenous Issues (UNPFII) generally defines indigenous peoples based on their historical connection to pre-settler societies, connection to lands and natural resources, distinct language, culture, and beliefs, and, most importantly, self-identification.¹⁷⁶ Indigenous peoples comprise only 6% of the global population, but indigenous lands constitute 20% of the Earth’s territory.¹⁷⁷ The tourism industry often treats indigenous lands as commodities, building infrastructure and enterprises in such a manner that it negatively impacts local ecosystems, many of which are crucial to indigenous peoples’ culture and traditional ways of life.¹⁷⁸ While ecotourism, which refers to “responsible travel to natural areas that conserves the environment and improves the well-being of local people,” has been positive in some indigenous communities, businesses sometimes use the ecotourism label to engage in “greenwashing,” a practice in which they claim environmental virtue where there is none.¹⁷⁹ Still, the opportunity for touristic enterprises to be harnessed for the benefit of indigenous peoples is growing and the UN World Tourism Organization (UNWTO) has identified tourism as a key tool in the achievement of the Sustainable Development Goals (SDGs).¹⁸⁰ However, realizing those benefits will require political will, financial and technical support, and the progressive development of international frameworks on sustainable tourism.¹⁸¹

International and Regional Framework

The earliest tourism frameworks, including the 1980 *Manila Declaration on World Tourism*, narrowly focused on the protection of tourists, the right to leisure, and the maximization of economic gains.¹⁸² However, as the concept of sustainability was accepted internationally, the focus of tourism frameworks shifted.¹⁸³ The 1989 *Hague Declaration*

¹⁶⁹ Haroon, An interview with Mark Watson, Chief Executive of Tourism Concern, *Dispatch News Desk*, 2014.

¹⁷⁰ UNWTO, *UNWTO Tourism Highlights: 2016 Edition*, 2016.

¹⁷¹ Martín, How Emerging Market Growth is Changing Tourism, *World Economic Forum*, 2015.

¹⁷² UN WCED, *Our Common Future*, 1987.

¹⁷³ UNEP, *Making Tourism More Sustainable: A Guide for Policy Makers*, 2005, p. 12.

¹⁷⁴ *Ibid.*

¹⁷⁵ Indian Country Today Media Network, *Canada Tourism Grows as Visitors Seek Authentic Aboriginal Experience*, 2013.

¹⁷⁶ UNPFII, *Who are Indigenous Peoples?*, 2015.

¹⁷⁷ UN DESA, *State of the World’s Indigenous Peoples*, 2009, pp. 72-73.

¹⁷⁸ *Ibid.*

¹⁷⁹ Barna et al., *Ecotourism – Conservation of the Natural and Cultural Heritage*, 2011, p. 87; UN DESA, *State of the World’s Indigenous Peoples*, 2009, pp. 72-73.

¹⁸⁰ UNWTO, *Tourism and the Sustainable Development Goals*, 2016.

¹⁸¹ *Ibid.*

¹⁸² UNWTO, *Manila Declaration on World Tourism*, 1980.

¹⁸³ UNWTO, *Hague Declaration on Tourism*, 1989.

on Tourism was the first document to recognize the need to educate tourists on the preservation of natural and cultural heritage, a shift that quickly influenced other frameworks.¹⁸⁴ In just three years, sustainable tourism became a topic of discussion at the UN Conference on Environment and Development.¹⁸⁵ Among the outcome documents of the conference was *Agenda 21* (1992), a set of voluntary guidelines on sustainable development that included a recommendation that Member States formulate environmentally sound and culturally sensitive tourism programs.¹⁸⁶ *Agenda 21* was used as a base for action plans throughout the 1990s that culminated in the creation of the UNWTO's 1999 *Global Code of Ethics for Tourism*, a set of principles that, for the first time, provided a comprehensive tourism framework for mitigating the negative impacts of tourism.¹⁸⁷

The *Global Code of Ethics for Tourism* references several fundamental human rights documents, including the 1948 *Universal Declaration of Human Rights* (UDHR), the 1966 *International Covenant on Economic, Social, and Cultural Rights* (ICESCR), and relevant International Labour Organization (ILO) conventions on the rights of indigenous peoples.¹⁸⁸ The rights to freedom of movement and leisure, which are key in many tourism frameworks, are both enumerated in the UDHR.¹⁸⁹ Indigenous rights groups, however, most often cite the ICESCR, which guarantees the right to self-determination in article 1 and the right of ethnic, religious, or linguistic minorities to enjoy their own culture in article 27.¹⁹⁰ The 1989 *Indigenous and Tribal Peoples Convention* from the ILO more specifically established the right of indigenous communities to exist distinctly within their respective Member States and also recognized their right to maintain traditional cultural practices, livelihoods, and institutions.¹⁹¹ However, these documents do not codify indigenous sovereignty, which in this context refers to “the ability of a people who share a common culture, religion, language, value system and land base, to exercise control over their lands and lives, independent of other nations.”¹⁹² Sovereignty is often central to indigenous peoples’ concerns over tourism as its lack of codification limits their ability to control how their lands and cultures are used.¹⁹³

The 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) forms the modern basis for indigenous rights and is designed not only to reinforce indigenous peoples’ basic human rights, but also to correct for a historic lack of respect for their self-determination and sovereignty.¹⁹⁴ Major themes of UNDRIP include the right to a cultural identity; the right to protection from discrimination; and the right to free, prior, and informed consent, which means that indigenous peoples must be consulted and given information in any decision-making process that may affect their rights.¹⁹⁵ UNDRIP specifically highlights that indigenous peoples have the right to “maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands” and “the right to own, use, develop and control the lands...they possess by reason of traditional ownership.”¹⁹⁶ UNDRIP has yet to be incorporated into multilateral tourism frameworks, although some regional bodies have referenced UNDRIP in the context of their own frameworks on tourism.¹⁹⁷ In 2012, the *Larrakia Declaration* was adopted at the first Pacific Asia Indigenous Tourism Conference hosted by the World Indigenous Tourism Alliance (WINTA).¹⁹⁸ While voluntary and limited in scope, the *Larrakia Declaration* does outline some basic principles centered on ensuring that the rights of indigenous peoples are upheld.¹⁹⁹ In 2016, the Organization of American States adopted the *American Declaration on the Rights of Indigenous Peoples*, which recognizes many individual and collective rights of indigenous peoples, including their right to their lands, territories, and

¹⁸⁴ Ibid.

¹⁸⁵ UNCED, *Agenda 21*, 1992.

¹⁸⁶ Ibid.

¹⁸⁷ UNWTO, *Global Code of Ethics for Tourism*, 2001.

¹⁸⁸ Ibid.

¹⁸⁹ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

¹⁹⁰ UN General Assembly, *International Covenant on Economic, Social and Cultural Rights (A/RES/2200 (XXI))*, 1966.

¹⁹¹ ILO, *Indigenous and Tribal Peoples Convention (C169)*, 1989.

¹⁹² Haunani-Kay, *The Struggle for Hawaiian Sovereignty - Introduction*, 2000.

¹⁹³ Ibid.

¹⁹⁴ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

¹⁹⁵ Ibid., p. 10.

¹⁹⁶ Ibid., p. 10.

¹⁹⁷ Pacific Asia Indigenous Tourism Conference, *The Larrakia Declaration on the Development of Indigenous Tourism*, 2012.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

resources.²⁰⁰ It also provides protections for cultural heritage and intellectual property beyond those called for by UNDRIP.²⁰¹

At the international level, the UN General Assembly renewed its focus on sustainable tourism in 2015 with the adoption of resolutions 69/233 and 70/193, which promote sustainable tourism, call for indigenous peoples to be involved in tourism policy development, and designate 2017 as the International Year of Sustainable Tourism for Development.²⁰² In the same year, they adopted the SDGs, which will be a major driver of international discussions on sustainable tourism moving forward.²⁰³ Several of the SDGs incorporate tourism-specific targets, including SDG 8 target 9 to adopt policies to promote sustainable tourism that creates jobs and promote local culture and SDG 12 target b to monitor the impact of tourism on sustainable development.²⁰⁴ The breadth of activities involved in the tourism industry and its major impact on development is indicative of the central role that tourism will play in the achievement of the SDGs, especially for indigenous peoples.²⁰⁵ In recognition of this, the *2030 Agenda for Sustainable Development* specifically calls for indigenous peoples to be incorporated into implementation and review processes for the SDGs at the national level.²⁰⁶

Role of the International System

The cultural heritage of indigenous peoples includes over 5000 languages and distinct cultures that are often intrinsically linked to their lands and the natural environment.²⁰⁷ At the international level, many institutions are already working to preserve cultural heritage in the context of tourism.²⁰⁸ The United Nations Educational, Scientific and Cultural Organization (UNESCO), which is the principal agency charged with the protection of culture heritage, is the implementing agency for the 2003 *Convention for the Safeguarding of the Intangible Cultural Heritage* and maintains several programs that assist indigenous communities.²⁰⁹ UNESCO's Local and Indigenous Knowledge Systems initiative promotes the use of indigenous knowledge in the formation of environmental policy.²¹⁰ UNESCO also maintains the World Heritage List, a public record of sites recognized as having globally significant cultural or natural heritage.²¹¹ Sites that are included on the List often experience increased levels of tourist activity, which, if managed improperly, can have a negative impact on tourism sites and local communities.²¹² To address this, UNESCO has partnered with the UNWTO to launch the World Heritage and Sustainable Tourism Programme, an initiative that aims to bring tourism stakeholders together to improve site management and protect local heritage.²¹³

Like UNESCO, UNWTO is responsible for implementing several international frameworks, although most of the on-site training, education, preservation, and maintenance work called for by the UNWTO is carried out by its affiliate members, which includes private companies, educational institutions, and non-governmental organizations (NGOs) that have expertise in promoting responsible tourism.²¹⁴ There are UNWTO affiliate members in more than 80 Member States.²¹⁵ In addition, there are many NGOs specifically focused on protecting indigenous rights.²¹⁶ For example, the Working Group of Indigenous Minorities in Southern Africa operates on behalf of the San indigenous people in five Member States to provide training and advice to San communities on developing and sharing

²⁰⁰ Organization of American States, *American Declaration on the Rights of Indigenous Peoples*, 2016.

²⁰¹ *Ibid.*

²⁰² UN General Assembly, *Promotion of Sustainable Tourism, Including Ecotourism, for Poverty Eradication and Environment Protection (A/RES/69/233)*, 2015; UN General Assembly, *International Year of Sustainable Tourism for Development, 2017 (A/RES/70/193)*, 2015.

²⁰³ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

²⁰⁴ *Ibid.*

²⁰⁵ UNWTO, *Tourism and the Sustainable Development Goals*, 2016.

²⁰⁶ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015, p. 33.

²⁰⁷ UNESCO, *UNESCO and Indigenous Peoples: Partnership for Cultural Diversity*, 2007.

²⁰⁸ *Ibid.*

²⁰⁹ UNESCO, *Local and Indigenous Knowledge Systems*, 2016.

²¹⁰ *Ibid.*

²¹¹ UNESCO, *Convention Concerning the Protection of the World Cultural and Natural Heritage*, 1972.

²¹² Pedersen, *Managing Tourism at World Heritage Sites: A Practical Manual for World Heritage Site Managers*, 2002, p. 5.

²¹³ UNESCO, *UNESCO World Heritage and Sustainable Tourism Programme*.

²¹⁴ UNWTO, *Who are UNWTO Affiliate Members?*.

²¹⁵ *Ibid.*

²¹⁶ International Work Group for Indigenous Affairs, *Links to Indigenous Organisations and NGOs Arranged by World Regions*.

sustainable tourism practices and also provides technical assistance on tourism development projects.²¹⁷ Similar NGOs contribute to international policy discussions by having consultative status with the Economic and Social Council (ECOSOC), which gives them access to meetings of most UN bodies.²¹⁸

NGO input allows high-level policy making bodies, such as the Human Rights Council (HRC) and UNPFII, to gain insight into the practical challenges of promoting tourism while protecting natural and cultural heritage.²¹⁹ The HRC also maintains an Expert Mechanism on the Rights of Indigenous Peoples, which published a report in 2015 offering advice on the protection of indigenous cultural heritage.²²⁰ The Special Rapporteur on the rights of indigenous peoples similarly reports to the HRC and these annual reports frequently include assessments on the impact tourism has on indigenous peoples.²²¹ UNPFII has made direct recommendations on tourism at two of its sessions.²²² At its second session in 2003, UNPFII asked that the UNWTO study and prepare an initial paper on indigenous tourism.²²³ At its 12th session in 2013, UNPFII called for UN agencies to “affirm and make operational the right of indigenous peoples to determine their own priorities for development and opportunities concerning indigenous culture and tourism.”²²⁴ In the past, UNPFII has also called Member States and other UN bodies to action on tourism, including in 2003 when UNPFII called for UNESCO to draft a convention on intangible cultural heritage and incorporate indigenous peoples in the process.²²⁵ In 2014, UNPFII reaffirmed the principle of free, prior, and informed consent for activities on indigenous lands and called for Member States to work with indigenous populations to develop tourism policies that protect and promote their human rights.²²⁶

The Impact of Tourism on Land and Cultural Rights

The commoditization of indigenous heritage is often a side effect of government and private sector attempts to grow the tourism industry.²²⁷ The Government of Pakistan inadvertently engaged in commodification when it produced materials meant to draw tourists to the northern Himalayas and lands occupied by the Kalash people.²²⁸ A Kalash representative described the advertising as making them “look like zoo animals.”²²⁹ The packaging of experiences labeled as ‘authentic’ can be disrespectful with regards to indigenous peoples’ traditional knowledge, oral traditions, and other heritage that they consider to be intellectual property.²³⁰ Even where culture is not packaged this way, traditionally sacred sites are often ignored or abused by foreign companies or tourists, causing indigenous groups to claim that lack of recognition of their land rights is the root cause of the negative realities brought on by tourism.²³¹

Touristic enterprises are usually owned by people from outside indigenous communities, leading to tension over land use even when companies attempt to involve local populations.²³² In the worst instances, indigenous groups have been forcibly displaced by tourism activities.²³³ In 1919, the Havasupai people were driven from their traditional lands in the Grand Canyon of the United States.²³⁴ Even after a decade-long legal battle allowed them to return to some of their lands, the overwhelming amount of tourists in the area had caused high levels of pollution,

²¹⁷ Ibid.

²¹⁸ OHCHR, *NGO Participation in the HRC*, 2016.

²¹⁹ Ibid.

²²⁰ UN HRC, *Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage: Study by the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/30/53)*, 2015.

²²¹ OHCHR, *Special Rapporteur on the Rights of Indigenous Peoples*, 2016.

²²² UNPFII, *UNPFII 12th Session Recommendations for UN Agencies*, 2013; UNPFII, *Report on the Second Session (E/C.19/2003/22)*, 2003.

²²³ UNPFII, *Report on the Second Session (E/C.19/2003/22)*, 2003.

²²⁴ UNPFII, *UNPFII 12th Session Recommendations for UN Agencies*, 2013.

²²⁵ Ibid.; UNPFII, *Report on the Second Session (E/C.19/2003/22)*, 2003.

²²⁶ UNPFII, *UNPFII 12th Session Recommendations for UN Agencies*, 2013; UNPFII, *Report on the Second Session (E/C.19/2003/22)*, 2003.

²²⁷ Barna et al., *Ecotourism – Conservation of the Natural and Cultural Heritage*, 2011, pp. 90-91.

²²⁸ Maya, *Indigenous Peoples Find Frustration with United Nations Conference*, 1999.

²²⁹ Ibid.

²³⁰ Barna et al., *Ecotourism – Conservation of the Natural and Cultural Heritage*, 2011, pp. 90-91.

²³¹ McLaren & Ramer, *The History of Indigenous Peoples and Tourism*, 1999.

²³² Ibid.

²³³ Ibid.

²³⁴ Ibid.

damage, and erosion.²³⁵ The problems faced by the Havasupai continue to worsen as tourism infrastructure intrudes on the Grand Canyon area in spite of its inclusion on the World Heritage List.²³⁶ In 1997, Taj Resort Hotels, a group recognized for sustainability in tourism, attempted to build a so-called ‘eco-resort’ in Karnataka, India.²³⁷ The resort was planned for a forested area where the Adivasis people lived, and as they fought to protect their lands, dozens of people were arrested.²³⁸ Eventually, a court recognized the rights of the Adivasis people and ordered the company to cease its operations, but this type of outcome is rare, even in states where a strong legal regime to protect indigenous rights exists.²³⁹ Without national implementation and enforcement of laws that secure true access to and control of land for indigenous peoples, some experts predict that indigenous cultures will be eroded until they no longer exist.²⁴⁰

Threats to and Protection of the Environment and Biodiversity

Indigenous peoples occupy some of the areas with the highest biodiversity in the world, and their spiritual, cultural, social, and economic relationship with their traditional lands is often reliant on the biodiversity contained within them.²⁴¹ One of the most widely ratified international treaties, the 1992 *Convention on Biological Diversity* (CBD) recognizes the dependence of indigenous communities on biological resources and calls for parties to the CBD to work with indigenous peoples to respect, preserve, and maintain those resources.²⁴² In spite of this, the environment and the rights of indigenous communities tied to it are often cast aside in favor of economic benefits.²⁴³ The infrastructure required to support tourism, particularly electrical and transportation infrastructure, can harm plants and animals and pollute natural water sources that are relied upon by indigenous communities.²⁴⁴

To combat these realities, the Secretariat of the CBD has developed a series of guidelines designed to assist governments in protecting biodiversity.²⁴⁵ The guidelines focus on assessing the environmental state of existing or potential tourist sites, continually collecting data, and developing plans in line with international guidelines to protect biodiversity.²⁴⁶ Many governments lack the capacity to follow such guidelines, but UNESCO and the United Nations Environment Programme (UNEP) are increasingly offering technical assistance and policy guidance to assist in the protection of biodiversity.²⁴⁷ UNESCO has developed guidelines for site managers to protect biodiversity as they are able to effect direct control over the design, use, and maintenance of tourist destinations.²⁴⁸ Guidelines and vocational training can allow members of indigenous communities to step into site management roles, allowing them to directly oversee operations and ensure that local culture and biodiversity are respected.²⁴⁹ In some states, NGOs conduct training seminars or even establish training and information centers to help indigenous peoples in building tourism infrastructure and businesses, as Naturefriends International did in Kyrgyzstan from 2013 to 2015.²⁵⁰ UNWTO has also conducted training seminars that brought together local actors, members of the private sector, and NGOs with the goal of harmonizing tourism site operations and biodiversity management initiatives.²⁵¹

²³⁵ Ibid.

²³⁶ Ibid..

²³⁷ Cultural Survival Quarterly, *Belize: Our Life, Our Lands- Respect Maya Land Rights*, 2013.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Maya, *Indigenous Peoples Find Frustration with United Nations Conference*, 1999.

²⁴¹ OHCHR, *Leaflet No. 10: Indigenous Peoples and the Environment*, 2008, p. 2.

²⁴² *Convention on Biological Diversity*, 1992.

²⁴³ Maya, *Indigenous Peoples Find Frustration with United Nations Conference*, 1999.

²⁴⁴ OHCHR, *Leaflet No. 10: Indigenous Peoples and the Environment*, 2008, p. 2.

²⁴⁵ Secretariat of the Convention on Biological Diversity, *Guidelines on Biodiversity and Tourism Management*, 2004.

²⁴⁶ Ibid.

²⁴⁷ UNESCO, *UNESCO World Heritage and Sustainable Tourism Programme*.

²⁴⁸ Pedersen, *Managing Tourism at World Heritage Sites: A Practical Manual for World Heritage Site Managers*, 2002.

²⁴⁹ AbHadi et al., *Poverty eradication through vocational education (tourism) among indigenous people communities in Malaysia: Pro-Poor Tourism Approach (PPT)*, 2013.

²⁵⁰ ProNGO!, *Increasing Employment in Rural Areas through Tourism Development*, 2015.

²⁵¹ UNWTO, *Training on Tourism and Biodiversity: Understanding Tourism Trends and Biodiversity Conservation for Innovative Products and Marketing*, 2012.

Models for Indigenous Tourism

Although tourism has harmed many indigenous peoples, there are high levels of demand for indigenous tourism and many indigenous communities want to benefit from this sector.²⁵² Indigenous tourism refers to tourism “in which indigenous people are directly involved either through control and/or by having their culture serve as the essence of the attraction.”²⁵³ If practiced responsibly, indigenous tourism can produce economic and environmental benefits, help indigenous peoples realize their right to development, and, in the long run, aid in the achievement of the SDGs.²⁵⁴ UNPFII has previously recommended high levels of involvement for indigenous communities in the context of the implementation of the SDGs, even calling on the International Finance Corporation to establish mechanisms for indigenous communities to provide input on sustainability funding, but the response so far has been limited.²⁵⁵

Among the largest benefits of tourism expansion into indigenous communities is the creation of jobs and opportunities for indigenous peoples to increase their income.²⁵⁶ Indigenous peoples can work as guides, entertainers, create artisanal goods to sell to tourists, and can also help to spread awareness of their culture and indigenous issues by providing educational opportunities and information to tourists.²⁵⁷ In other cases, community resources can be leased or revenues can be generated by charging entrance fees to sites or issuing licenses for businesses to operate on indigenous lands.²⁵⁸ It is important for such land licensing and leasing agreements to be controlled by indigenous communities or undertaken with their free, prior, and informed consent, in line with UNPFII recommendations, to maintain indigenous control of their lands and ensure that tourism does not inhibit indigenous populations’ ability to realize their human rights.²⁵⁹ Such control, especially when paired with community revenue generation, can be used to reinforce the rights of indigenous peoples by allowing them to build up social infrastructure and, where necessary, maintain or restore cultural sites.²⁶⁰ Even in cases where such oversight occurs, however, there are still risks associated with the overuse of sites, financial overdependence on tourism, and an erosion of language and culture as higher numbers of non-community members enter the area.²⁶¹ Site management and planning remain generally important, but there are some models that have already proven to be successful.²⁶²

Ecotourism & Cultural Heritage Tourism

Ecotourism is meant to manage the impact of tourism on nature and, although they are prone to greenwashing, ecotourism businesses have built up locally beneficial tourism industries in many indigenous communities.²⁶³ The International Ecotourism Society (TIES), an NGO that promotes ecotourism, has developed principles on conservation, community impact, and cultural understanding that are meant to guide ecotourism enterprises.²⁶⁴ In spite of this, there are many instances of firms branding their services as ecotourism even if they are operating in such a way as to displace indigenous people or damage their lands.²⁶⁵ For that reason, international bodies are increasingly focusing on educating tourists such that they can find and identify sustainable ecotourism enterprises that will positively benefit host communities.²⁶⁶ To support this, TIES maintains an indexed database of member tourism organizations that allows travelers to research companies before making their travel decisions.²⁶⁷

²⁵² Song, *Indigenous Tourism – A Passport to Development for Indigenous Australians?*, 2008, pp. 271-273.

²⁵³ Okada & Kato, *Indigenous Heritage and Tourism: Theories and Practices on Utilizing the Ainu Heritage*, 2014, p. 42.

²⁵⁴ Song, *Indigenous Tourism – A Passport to Development for Indigenous Australians?*, 2008, p. 271.

²⁵⁵ UNPFII, *Report on the Thirteenth Session (E/2014/43-E/C.19/2014/11)*, 2014.

²⁵⁶ Song, *Indigenous Tourism – A Passport to Development for Indigenous Australians?*, 2008, pp. 271-273.

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ UNPFII, *Questionnaire to Governments for preparing pre-session submissions to the United Nations Permanent Forum on Indigenous Issues: Answers by the Government of Finland*, 2010.

²⁶⁰ Song, *Indigenous Tourism – A Passport to Development for Indigenous Australians?*, 2008, pp. 271-273.

²⁶¹ *Ibid.*

²⁶² Minority Rights Group International, *Trouble in Paradise – Tourism and Indigenous Land Rights: Together Towards Ethical Solutions*, 2007.

²⁶³ Cultural Survival Quarterly, *Ecotourism: A Boon for Indigenous People?*, 1999.

²⁶⁴ The International Ecotourism Society, *What is Ecotourism?*, 2014.

²⁶⁵ Cultural Survival Quarterly, *Ecotourism: A Boon for Indigenous People?*, 1999.

²⁶⁶ O’Neill, Talking Point: Educating Guests = More Sustainable Tourism, *Green Hotelier*, 2014.

²⁶⁷ The International Ecotourism Society, *Explore TIES Members*, 2014.

Often considered in the same breath as ecotourism is cultural heritage tourism, which can be defined as “trips whose main or concomitant goal is visiting sites and events which have cultural and historical value making them a part of the cultural heritage of a community.”²⁶⁸ Cultural heritage tourism can provide economic benefits for indigenous peoples and assist them in realizing their right to self-determination, while promoting cross-cultural exchange and the preservation of cultural sites.²⁶⁹ The Sustainable Tourism Cooperative Research Centre (STCRC) has studied cultural tourism in depth, and while they have recognized that successful cultural heritage projects have been incredibly beneficial to host communities, they also note that many attempts to establish them have failed.²⁷⁰ As with other practices, the STCRC recommends high levels of control from indigenous communities, but also encourages financial training and planning as cultural experiences often take time to build up a critical mass of tourists.²⁷¹

Social Enterprises

Social enterprises, which provide employment opportunities for marginalized groups and aim to meet social, environmental, and financial targets, may amplify the benefits of tourism for indigenous peoples.²⁷² Unlike most companies, social enterprises engage in business models that reinvest profits back into the business and community rather than dispersing them to owners or shareholders.²⁷³ Often, these enterprises incorporate training and education, the development of infrastructure, and culturally sensitive promotion that incorporates indigenous peoples in all steps of the processes as they generate most of the experience for tourists.²⁷⁴ Ethos, a company operating out of Vietnam, works directly with the Hmong people to bring in small groups of tourists and allow them to experience limited aspects of their culture and livelihoods in line with the desires of the community.²⁷⁵ Ethos asks tourists to commit to a code of conduct that encourages them to be sensitive to and aware of the peoples and cultures around them and to not further the negative impact of tourism.²⁷⁶ While many of these initiatives are small-scale and focused, larger networks of social enterprises are also being created that may allow tourists to have easier access to sustainable indigenous tourism.²⁷⁷

Conclusion

There is a long history of indigenous peoples being negatively impacted by tourism, including tourism that is marketed as sustainable.²⁷⁸ However, there is significant potential for indigenous communities to benefit from tourism, and tourism has already been recognized by the UN as a promoter of development that can help in the achievement of the SDGs.²⁷⁹ As the tourism industry continues to grow into one of the largest economic drivers globally, the international community has an opportunity to leverage tourism for the benefit of marginalized groups, including indigenous peoples.²⁸⁰ While the rights enumerated in UNDRIP are often set aside for the sake of economic development, there are models of indigenous tourism that not only respect the land and cultural rights of indigenous peoples, but also reinforce them.²⁸¹ Utilizing these models has proven difficult, but the international community will likely continue to develop new frameworks for sustainable tourism, analyze its effects on indigenous peoples, and attempt to maximize its benefits while minimizing the harm.²⁸²

²⁶⁸ *Promoting Community led cultural heritage based tourism – Story behind TourEast*, TourEast, 2016.

²⁶⁹ Sustainable Tourism Online, *Cultural Heritage Tourism*, 2010.

²⁷⁰ Carlsen et al., *Success Factors in Cultural Heritage Tourism Enterprise Management*, 2008, pp. 36-37.

²⁷¹ *Ibid.*

²⁷² Rebutin, *Social Enterprise and Tourism, the Key to a Better Integration of Indigenous Populations*, 2009, p. 29.

²⁷³ *Ibid.*

²⁷⁴ Ethos, *Spirit of the Community*.

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ Backstreet Academy, *About Us*.

²⁷⁸ McLaren & Ramer, *The History of Indigenous Peoples and Tourism*, 1999.

²⁷⁹ Song, *Indigenous Tourism – A Passport to Development for Indigenous Australians?*, 2008, p. 271.

²⁸⁰ *Ibid.*

²⁸¹ Rebutin, *Social Enterprise and Tourism, the Key to a Better Integration of Indigenous Populations*, 2009.

²⁸² UN DESA, *State of the World's Indigenous Peoples*, 2009, pp. 72-73.

Further Research

While considering what recommendations should be made by UNPFII on the topic of sustainable tourism, delegates should contemplate the following questions: How effective are international tourism and human rights frameworks at protecting the land and cultural rights of indigenous peoples? How has your Member State or region benefited from tourism and have the indigenous peoples therein also benefited? How can successful models of indigenous tourism be replicated? What UN bodies and programs are best positioned to assist Member States, civil society, and indigenous communities in benefiting from sustainable tourism? What role does the private sector have to play? How can the negative environmental impacts of tourism be minimized?

Annotated Bibliography

International Labour Organization. (1989). *Indigenous and Tribal Peoples Convention (C169)*. Retrieved 25 August 2016 from: <https://www.ulapland.fi/loader.aspx?id=55edc540-a2fa-447c-a4d9-3b63e99527a2>

Although a majority of countries have not ratified the Indigenous and Tribal Peoples Convention, it remains the most significant legally binding treaty on the rights of indigenous peoples. In reading the convention, it is worth examining not only how viewpoints have shifted since its creation in 1989, but also what rights indigenous peoples continue to fight for. Specifically, delegates should identify how the treaty outlines the need for indigenous peoples to have control of their own destiny, development, and land. Once delegates have an understanding of the treaty, they may want to check if their Member State has ratified the convention and, if they have not, seek out any reservations that they have expressed.

Maya, N. (1999). Indigenous Peoples Find Frustration with United Nations Conference. *Cultural Survival Quarterly*, 23 (3). Retrieved 20 July 2016 from: <https://www.culturalsurvival.org/ourpublications/csq/article/indigenous-peoples-find-frustration-with-united-nations-conference>

A relatively short article, Norton Maya's description of this UN conference provides a clear example of how the viewpoints of indigenous peoples may not line up with the goals of their governments or the international community. The quotes from indigenous peoples in the article are of particular importance to understanding their perspective with regards to tourism. Once delegates have an understanding of the historical relationship between indigenous peoples and tourism, this article will provide a good understanding of indigenous peoples' modern viewpoint. Delegates should be cognizant of how the position of their Member State's government may differ from that of the indigenous populations they host.

McLaren, D. (1999). The History of Indigenous Peoples and Tourism. *Cultural Survival Quarterly*, 23 (2). Retrieved 24 August 2016 from: <https://www.culturalsurvival.org/ourpublications/csq/article/the-history-indigenous-peoples-and-tourism>

McLaren provides an excellent starting point in understanding the tumultuous history between indigenous peoples and the tourism industry. In reading this article, it is important to think about the extent to which legal frameworks effectively helped indigenous peoples or stood as a barrier to states in their pursuit of economic growth. This article also highlights the importance of understanding the perceptions of how some tourists view indigenous peoples, especially when discussing the commodification of culture.

Rebutin, J. (2009). *Social Enterprise and Tourism, the Key to a Better Integration of Indigenous Populations*. Université de Toulon et du Var. Retrieved 28 August 2016 from: <http://dumas.ccsd.cnrs.fr/dumas-00418823/document>

While the concept of social enterprises is relatively new, Rebutin provides several arguments as to how they can be used effectively to allow indigenous peoples to benefit from tourism. Sections II and III will be the most useful for delegates, especially the case studies on the Grand Canyon Skywalk, the Kuku Yalanji Dreamtime Tours, and the Cree Village Ecolodge. While the UN has little authority to dictate the actions of the private sector, there are likely policy recommendations that may encourage or allow for social enterprises to better service indigenous communities.

Secretariat of the Convention on Biological Diversity. (2004). *Guidelines on Biodiversity and Tourism Management*. Retrieved 28 August 2016 from: <https://www.cbd.int/doc/publications/tou-gdl-en.pdf>

The Secretariat of the CBD is the primary organization considering how tourism impacts biodiversity and has thoroughly examined the relationship between indigenous peoples and biodiversity. While many of the guidelines offered here may be overly technical, delegates should pay particular attention to the legislation and control measures in chapter 4 and the impact management and mitigation concepts in chapter 6. Section D on education, capacity-building, and raising awareness may also prove to be particularly important in the context of indigenous peoples.

Song, N. (2008). *Indigenous Tourism – A Passport to Development for Indigenous Australians?*. Retrieved 20 July 2016 from: <http://web.uri.edu/iaics/files/27-Nan-Song.pdf>

Nan Song of Beijing Foreign Studies University takes a look at the practical impact of indigenous tourism as it exists in Australia. Part case study and part report, this analysis examines how limited some of the benefits of tourism can be for indigenous people, even if the purported goal is to benefit indigenous peoples. The sections on employment and the economic costs of tourism involvement should be of particular interest to delegates as they examine how even if indigenous peoples are benefiting, they may face decreased access to land, welfare benefits, and an overdependence on the tourism industry.

United Nations, Department of Economic and Social Affairs. (2009). *State of the World's Indigenous Peoples* [Report]. Retrieved 20 July 2016 from:

http://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_web.pdf

This report from UN DESA's Division for Social Policy and Development provides a broad overview of many issues facing indigenous peoples. Chapter I on poverty and well-being and chapter III on the environment can both help to provide delegates with a context to address the topic, but chapter II will be the most directly applicable. The section of chapter II on threats and challenges should be looked at closely, particularly the pages that deal directly with tourism, as they provide good context for some of the problems faced by indigenous populations with regards to tourism development.

United Nations, General Assembly, Sixty-first session. (2007). *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*. Retrieved 20 July 2016 from: <http://undocs.org/a/res/61/295>

UNDRIP is the most important international framework with regards to indigenous rights and understanding its applicability to the topic will be central in developing international solutions. While UNDRIP does not address tourism directly, the rights protected by UNDRIP, particularly those related to land and culture, constitute much of what may be impacted by the tourism industry. Delegates should seek to gain an understanding of UNDRIP and look for articles that will be most useful in addressing the topic at hand.

United Nations, Human Rights Council. (2015). *Promotion and Protection of the Rights of Indigenous Peoples with Respect to their Cultural Heritage: Study by the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/30/53)*. Retrieved 20 July 2016 from: <http://undocs.org/A/HRC/30/53>

This report submitted by the Expert Mechanism on the Rights of Indigenous Peoples to the HRC provides an excellent overview of the current state of the protection of the rights of indigenous peoples with respect to their cultural heritage and offers several policy recommendations. The fourth section, which covers the participation of indigenous peoples in cultural heritage policies, reinforces many of the concepts explored in this guide, and section V will provide delegates with a slightly more in-depth glance at some of the issues at hand. The annex will be an excellent read once delegates begin to examine what policy recommendations UNPFII can make.

United Nations World Tourism Organization. (2001). *Global Code of Ethics for Tourism*. Retrieved 20 July 2016 from: <http://cf.cdn.unwto.org/sites/all/files/docpdf/gcetbrochureglobalcodeen.pdf>

The Global Code of Ethics for Tourism is designed to help guide tourism development at every level by providing a framework for all stakeholders. Indigenous peoples are mentioned several times in the document, principally in recognition that they are a vulnerable population that should be protected during tourism development. A reading of this document can help delegates to

understand some of the ways in which tourism development can be undertaken ethically and may provide them a basis for understanding some of the problems faced by vulnerable populations in the context of tourism development.

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III. Development of the Arctic: Preserving Indigenous Rights

*“This is a moment in history when we will take actions one way or the other – or inactions – but we humans will influence much that determines the fate and future of the Arctic, the people and the creatures who live there. And in so doing, we have a global impact on all people everywhere.”*²⁸³

Introduction

The Arctic consists of over 30 million square kilometers of land and is home to about 4 million people, including over 30 indigenous groups.²⁸⁴ While the boundaries of the region are not rigidly defined, eight Member States have territory in the Arctic and each of them is host to one or more indigenous peoples.²⁸⁵ The realities of each indigenous group in these states is unique; the Inuit of Canada, for example, make up some 85% of the population of Nunavut while the Sami constitute only 2.5% of the population in Northern Scandinavia.²⁸⁶ What is consistent across borders is the relationship between indigenous peoples and the lands and ecosystems around which their cultures and livelihoods are built.²⁸⁷ This natural and cultural heritage is under threat from global climate change, which is causing Arctic ice to recede and allowing for the commercialization of previously inaccessible areas.²⁸⁸ While development of the Arctic in the form of new infrastructure and commercial enterprise has the potential improve the quality of life of indigenous peoples, it also threatens their traditional livelihoods.²⁸⁹ Local plant life and water sources can be affected by pollution and new infrastructure can negatively impact fauna that is often critical to indigenous communities.²⁹⁰ Additionally, as enterprise draws new people to the area, local culture can be diluted and indigenous lands overused, especially in areas where indigenous peoples’ rights are not protected by law.²⁹¹ Often, indigenous communities are unable to safeguard their lands and livelihoods because they have little strength in national, regional, or international governance.²⁹² As the international community is galvanized to address climate change and promote sustainable development in the context of the Sustainable Development Goals (SDGs), the Arctic, as the region most affected by climate change, has garnered a global focus.²⁹³ The United Nations (UN) Permanent Forum on Indigenous Issues (UNPFII), the key UN body mandated with advising on economic and social development, environmental concerns, and human rights of indigenous peoples, is critical in guiding international policy that allows Member States to pursue their development goals while protecting the environment and rights of indigenous peoples.²⁹⁴

International and Regional Framework

While not specifically focused on indigenous peoples, the 1966 *International Covenant on Civil and Political Rights* states that minorities “shall not be denied the right...to enjoy their own culture, to profess and practice their own religion, or to use their own language.”²⁹⁵ The International Labour Organization (ILO) expanded on this basic framework, drafting two conventions aimed at securing indigenous peoples’ right to development, customary laws, lands, and employment, but like many ILO conventions, they lack broad international support.²⁹⁶ It was not until 2007 that a more widely accepted international agreement emerged in the form of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).²⁹⁷ While some Arctic states, citing sovereignty and other concerns, have been hesitant to fully implement UNDRIP, it is currently the most comprehensive framework for indigenous

²⁸³ Imster, Sylvia Earle: An Open Ocean in Arctic Summer, *EarthSky*, 2011.

²⁸⁴ GRID-Arendal, *Vital Arctic Graphics: People and Global Heritage on Our Last Wild Shores*, 2005, p. 6.

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*, pp. 14-19.

²⁸⁷ *Ibid.*

²⁸⁸ *Ibid.*, p. 24.

²⁸⁹ Macalister, Arctic resource wealth poses dilemma for indigenous communities, *The Guardian*, 2011.

²⁹⁰ *Ibid.*

²⁹¹ Nordic Council of Ministers, *Arctic Human Development Report: Regional Processes and Global Linkages*, 2014, pp. 57-58.

²⁹² Forgeron, *Indigenous Rights: The Hidden Cost of Arctic Development*, 2015.

²⁹³ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

²⁹⁴ UNPFII, *Permanent Forum*.

²⁹⁵ UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

²⁹⁶ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

²⁹⁷ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 9.

rights.²⁹⁸ UNDRIP specifically outlines a state's responsibility to uphold indigenous rights to: self-determination; lands, territories, and resources; and social and cultural protection, in addition to collective group rights, but the extent to which these rights are codified in national law varies greatly between the Arctic states.²⁹⁹

Unlike the Antarctic, there is no formal legal regime governing the Arctic.³⁰⁰ Some experts and states have argued that precedents set by the 1959 *Antarctic Treaty* and the 1967 *Outer Space Treaty*, specifically regarding the consideration of their respective areas as the common heritage of mankind and not exploitable, should be applied to the Arctic seabed.³⁰¹ In practice, however, the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) governs most Arctic activities as the region is mainly ocean or ice-covered waters.³⁰² While UNCLOS and other international conventions, such as the 1979 *Convention on Long Range Transboundary Air Pollution*, apply directly to the Arctic, most of the existing regimes that directly protect and manage the Arctic are regional in nature.³⁰³ The earliest of these was the 1991 *Declaration on Protection of the Arctic Environment*.³⁰⁴ This agreement was meant to provide a basic framework for Arctic States to protect the environment and was followed by more specific agreements, including the 1998 *Regional Programme of Action for the Protection of the Arctic Marine Environment from Land-Based Activities* and the 2000 *Arctic Council Action Plan to Eliminate Pollution of the Arctic*.³⁰⁵

Moreover, several of the SDGs are directly applicable to the Arctic, including: SDG 13 which calls for taking action to combat climate change and its impacts; SDG 14 which calls for conservation and sustainable use of marine resources; and SDG 15 which seeks to protect terrestrial ecosystems and halt biodiversity loss.³⁰⁶ Additionally, the *2030 Agenda for Sustainable Development* calls for indigenous populations to be empowered in the implementation of the SDGs.³⁰⁷ The 2015 *Paris Agreement*, a comprehensive agreement to mitigate climate change and support Member States in adapting to it, will have significant ramifications in the Arctic.³⁰⁸ Indigenous populations in the region are among the most affected by climate change and will require financial and technical support in order to adapt to a new climate reality.³⁰⁹ Among the requirements for parties to the *Paris Agreement* is the provision of 'adaptation communications' that describe national policies and priorities for adapting to climate change, including how indigenous knowledge is being utilized.³¹⁰ Currently, indigenous involvement in environmental reporting varies amongst the Arctic states, but indigenous communities have a consistent presence within regional bodies that already conduct environmental assessments and monitoring.³¹¹

Role of the International System

The Arctic Council is the principal regional body responsible for Arctic governance.³¹² Established by the 1996 *Ottawa Declaration*, the Arctic Council includes the governments of Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States of America, and has been mandated since its inception to include representation from indigenous groups.³¹³ Most declarations from the Arctic Council are not legally enforceable, although the 2011 *Nuuk Declaration* strengthened the ability of the organization to oversee the implementation of its declarations and created a permanent secretariat in Tromsø, Norway.³¹⁴ Subordinate to the Council are six working groups, including the Arctic Monitoring and Assessment Programme, which monitors

²⁹⁸ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

²⁹⁹ OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, pp. 4-7.

³⁰⁰ Proelss & Müller, *The Legal Regime of the Arctic Ocean*, 2008.

³⁰¹ Taylor, *The Common Heritage of Mankind: A Bold Doctrine Kept Within Strict Boundaries, The Wealth of the Commons*, 2012.

³⁰² *United Nations Convention on the Law of the Sea*, 1982.

³⁰³ Nowlan, *Arctic Legal Regime for Environmental Protection*, 2001, pp. 4-5.

³⁰⁴ *Ibid.*, p. 5.

³⁰⁵ *Ibid.*

³⁰⁶ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

³⁰⁷ *Ibid.*

³⁰⁸ Duyck, *The Arctic After Paris*, *World Policy Institute*, 2016.

³⁰⁹ *Ibid.*

³¹⁰ *Ibid.*

³¹¹ Arctic Council, *The Arctic Council: A Backgrounder*, 2016.

³¹² *Ibid.*

³¹³ Arctic Council, *Ottawa Declaration*, 1996.

³¹⁴ Arctic Council, *Nuuk Declaration*, 2011.

climate change and pollution, and the Sustainable Development Working Group, which was created to protect the environment and economies of indigenous peoples and Arctic communities.³¹⁵ In 2013, the Arctic Council drafted the *Kiruna Vision for the Arctic*, which set out four priorities for the organization: improving economic and social conditions, acting on climate change, protecting the Arctic environment, and strengthening the Arctic Council.³¹⁶ It also reinforced the role of indigenous groups in the organization, stating that the Council should operate with full and active participation from the Arctic Indigenous Peoples Organizations.³¹⁷ At their most recent meeting in September 2016, the Arctic Council adopted the *20th Anniversary Declaration*, which outlines the current focus of the organization, including pressing for global action in line with the *Paris Agreement* and promoting sustainable development while maintaining the cultural heritage and livelihoods of Arctic indigenous peoples.³¹⁸

Among the largest indigenous peoples' organizations represented in the Arctic Council is the Inuit Circumpolar Council (ICC).³¹⁹ The ICC was established in 1977 and has grown into a large international non-governmental organization (NGO) representing over 160,000 Inuit in four states.³²⁰ The ICC focuses on promoting policy that supports Inuit rights, but also issues declarations and takes an active role in the development of international frameworks.³²¹ The ICC's 2009 *Declaration on Sovereignty in the Arctic* expresses the rights of the Inuit to use Inuit Nunaat, or traditional lands, for their own purposes and calls for Inuit to be fully recognized in discussions on Arctic sovereignty, climate change, and resource development.³²² The ICC elaborated on these sentiments with the 2011 *Resource Development Principles in Inuit Nunaat*, which were created in an attempt to help promote development that benefits indigenous peoples and protects the environment.³²³ At a meeting of UNPFII in May 2016, the ICC called for the establishment of a global SDGs fund to support and finance indigenous human rights work and encourage the incorporation of indigenous peoples into national and regional decision-making processes.³²⁴

At the international level, the UN Environment Programme (UNEP) is the key UN body for addressing environmental issues.³²⁵ UNEP has worked alongside the Arctic Council and its members to implement initiatives, conduct assessments, and promote sustainable development and environmental protection.³²⁶ UNEP has a direct partnership with GRID-Arendal, an NGO that engages in communication and outreach, education, and capacity-building projects in the Arctic, often alongside other NGOs.³²⁷ Among the numerous other organizations operating in the region are the Circumpolar Conservation Union, which seeks to "protect the ecological and cultural integrity of the Arctic by promoting understanding and cooperation among Arctic indigenous peoples," and the Bellona Foundation, which helps to identify sustainable solutions to environmental problems, including addressing the harmful effects of the oil and gas industry.³²⁸ These and other regional NGOs work within the Arctic NGO Forum to gain direct access to policymakers, share best practices, and encourage participation at the local level, where action is often the most impactful.³²⁹ Many international NGOs also take part in meetings of the UN Human Rights Council (HRC), which is responsible for the promotion and protection of human rights globally and oversees the Expert Mechanism on the Rights of Indigenous Peoples.³³⁰ NGOs that have consultative status with the Economic and Social Council can not only attend meetings of the HRC, but submit written statements, participate in debates, and even host parallel events to highlight a particular issue, region, or vulnerable group.³³¹

³¹⁵ Arctic Council, *Welcome to AMAP*, 2016; Arctic Council, *Sustainable Development Working Group (SDWG)*, 2016.

³¹⁶ Arctic Council, *Kiruna Vision for the Arctic*, 2013.

³¹⁷ *Ibid.*

³¹⁸ Arctic Council, *The Arctic Council: A Forum for Peace and Cooperation (20th Anniversary Declaration)*, 2016.

³¹⁹ Arctic Council, *Inuit Circumpolar Council*, 2015.

³²⁰ *Ibid.*

³²¹ Inuit Circumpolar Council Canada, *About ICC*, 2016.

³²² Inuit Circumpolar Council, *Declaration on Sovereignty in the Arctic*, 2009.

³²³ Inuit Circumpolar Council, *Resource Development Principles in Inuit Nunaat*, 2011.

³²⁴ Inuit Circumpolar Council, *ICC Calls for a Global Fund for Indigenous Peoples to Advance the 2030 Agenda for Sustainable Development*, 2016.

³²⁵ UNEP, *About UNEP*.

³²⁶ UNEP, *New Awareness of and Opportunities for UNEP to Address Climate Change in the Arctic*, 2013, pp. 9-11.

³²⁷ GRID-Arendal, *Introduction to the Polar Programme*, 2014.

³²⁸ Arctic NGO Forum, *Partners*, 2014.

³²⁹ Arctic NGO Forum, *Introduction*, 2014.

³³⁰ OHCHR, *Expert Mechanism on the Rights of Indigenous Peoples*; OHCHR, *NGO Participation in the HRC*, 2016.

³³¹ OHCHR, *NGO Participation in the HRC*, 2016.

In addition, several UN entities are directly involved in the Arctic region.³³² The International Maritime Organization is responsible for implementing several conventions, including the 2014 *Polar Code*, a set of safety and environmental requirements for ships operating in Arctic waters.³³³ The UN Educational, Scientific and Cultural Organization (UNESCO), which manages the World Heritage List, has worked with governments and indigenous groups to identify important Arctic sites and make recommendations for their protection.³³⁴ UNESCO hosted an International Expert Meeting on World Heritage and the Arctic in 2007 at which the Arctic was identified as an underrepresented region on the World Heritage List with only four sites identified.³³⁵ UNESCO recommended that Arctic states seek out new sites and improve the management and protection of existing sites, but, although the International Union for the Conservation of Nature has highlighted several large protected areas in the region, few sites have been identified or added to the list since the meeting.³³⁶

UNPFII has also addressed the Arctic directly.³³⁷ During its eighth session, UNPFII identified many of the challenges faced by indigenous peoples of the Arctic, including those brought on by development, extractive industries, and rapid ecological changes.³³⁸ Among its recommendations on the Arctic were calls for strong environmental and human rights legal regimes and for Member States to encourage indigenous ownership of development by providing financial support for projects and training, especially to youth within indigenous communities.³³⁹ The Arctic Caucus, which consists of representatives of indigenous groups and governments, makes regular statements to UNPFII, as do the heads of indigenous organizations, such as the ICC and the Sami Parliament.³⁴⁰ The involvement of Arctic indigenous groups at UNPFII influences its recommendations on general indigenous issues and on the Arctic itself.³⁴¹ At a meeting in 2013, a representative of the Arctic Caucus addressed UNPFII and not only described the importance of language and culture to the indigenous peoples of the Arctic, but also described how industrial development, especially when paired with climate change, is affecting how indigenous people live in the region.³⁴²

A Changing Arctic and its Impacts on Indigenous Populations

Over the last decade, the Arctic has experienced high levels of migration and development, which is causing demographic and environmental changes in the region.³⁴³ For indigenous communities the most visible effects are the result of climate change.³⁴⁴ The Arctic is warming at twice the rate of the rest of the world, causing previously frozen lakes and rivers to become too dangerous to cross, affecting animal ranges and behaviors, and damaging existing infrastructure by thawing the permafrost.³⁴⁵ Indigenous groups have described an “entire ecosystem change” as temperatures have risen, vegetation has crept north, and migration routes of wild game have changed.³⁴⁶ Adapting to these changes is key to preserving indigenous communities, and some organizations and Member States have already begun to promote and support adaptation techniques in indigenous communities.³⁴⁷ In May 2016, the United States of America, Denmark, Finland, Iceland, Norway, and Sweden negotiated an environmental protection agreement that included commitments for adaptation.³⁴⁸ However, these states do not control all of the arctic territory and the implementation of such agreements requires governments to balance short term tangible economic interests, which often take priority in government policy, with long-term environmental concerns.³⁴⁹

³³² UNESCO, *World Heritage and the Arctic: International Expert Meeting*, 2007; IMO, *Shipping in polar waters*, 2016.

³³³ IMO, *Shipping in polar waters*, 2016.

³³⁴ UNESCO, *World Heritage and the Arctic: International Expert Meeting*, 2007.

³³⁵ *Ibid.*

³³⁶ *Ibid.*

³³⁷ UNPFII, *Report on the Eighth Session*, 2009, pp. 7-10.

³³⁸ *Ibid.*

³³⁹ *Ibid.*

³⁴⁰ Inuit Circumpolar Council, *Statement by the Arctic Caucus: Item 3 (c) Culture*, 2013.

³⁴¹ *Ibid.*

³⁴² *Ibid.*

³⁴³ Nordic Council of Ministers, *Arctic Human Development Report: Regional Processes and Global Linkages*, 2014, p. 33.

³⁴⁴ Huntington & Fox, *The Changing Arctic: Indigenous Perspectives*, 2004.

³⁴⁵ Schuessler, In This Tiny Arctic Town, Dramatic Warmth Threatens Everything, *The Washington Post*, 2016.

³⁴⁶ *Ibid.*

³⁴⁷ Cama, Obama, Nordic Leaders Agree to New Arctic Protections, *The Hill*, 2016.

³⁴⁸ *Ibid.*

³⁴⁹ *Ibid.*

It is estimated that the Arctic holds 13% of the world's undiscovered oil and 30% of the world's undiscovered natural gas, making it an area of substantial economic opportunity.³⁵⁰ Early attempts at resource exploitation proved disastrous for indigenous peoples.³⁵¹ In 2007, the United States of America issued a license to Shell to carry out exploratory drilling in the Beaufort Sea near Western Alaska, an area inhabited by the Chukchi people.³⁵² Although environmental activists managed to force Shell to suspend the drilling in 2014, there was lasting damage to the inhabitants of nearby villages.³⁵³ The use of seismic vibrators to search for oil fields had already affected caribou herds, contaminated water, and produced natural gas flares that caused respiratory illnesses in nearby indigenous communities.³⁵⁴ As Arctic ice continues to recede, there will be increased interest not only in this type of resource exploitation, but also in Arctic cruises and the movement of container ships through Arctic waters, which provide a significantly shorter shipping lane than existing routes through the Suez Canal.³⁵⁵ For coastal communities, such large vessels disrupt ice and small watercrafts that indigenous communities rely on for movement.³⁵⁶ Additionally, the potential impact of a marine disaster due to increased shipping in the region worries hunters and communities, who may lose both elements of their traditional lifestyle and access to their primary source of food and income.³⁵⁷ While there has been an increase in regulation due to the *Polar Code*, these concerns persist as most existing regulations do not specifically take indigenous rights into account and enforcement is limited.³⁵⁸ In view of this, the Arctic Council has called for multinational firms to increase their own safety and environmental standards and uphold their corporate social responsibility (CSR) in the Arctic.³⁵⁹ CSR refers to a company's responsibility to respect human and indigenous rights, labor and environmental standards, and fight corruption.³⁶⁰ However, while there are existing international frameworks on CSR, such as the Global Compact, they are largely voluntary in nature.³⁶¹

Even traditionally sustainable development projects run the risk of harming indigenous communities.³⁶² A proposed dam in Labrador, Canada, was meant to provide high levels of renewable energy, but nearby lakeshore indigenous communities objected and worked with researchers to examine the potential impact on their lakes and livelihoods.³⁶³ It was discovered that the dam would likely increase the methylmercury levels in downstream lakes, devastating indigenous access to resources and food.³⁶⁴ Existing hydroelectric installations, marketed to Canadians and Americans alike as a source of cheap renewable energy, have already affected indigenous populations.³⁶⁵ In 1984, a water release from a dam in Quebec drowned over 10,000 caribou and hurt fish stocks, significantly reducing the food security of local Cree people.³⁶⁶ In some instances, thousands of square miles of muddy water backed up behind dams, devastating local flora and fauna and severely inhibiting the livelihoods of indigenous peoples.³⁶⁷

The Realization of Rights in the Context of Development

For indigenous peoples, the potential hazards of Arctic development are many, but there is also opportunity for improved services, better infrastructure, and higher incomes from taxes or royalties.³⁶⁸ These resources can be used to realize certain indigenous rights that necessitate capital investment, such as the right to establish culturally

³⁵⁰ Efferink, Arctic Geopolitics – Russia's territorial claims, UNCLOS, the Lomonosov Ridge, *Exploring Geopolitics*, 2011.

³⁵¹ Ottery, Shell a Step Closer to US Government Go-Ahead on Arctic Drilling Plans, *Greenpeace*, 2015.

³⁵² *Ibid.*

³⁵³ *Ibid.*

³⁵⁴ Ottery, Shell a Step Closer to US Government Go-Ahead on Arctic Drilling Plans, *Greenpeace*, 2015.

³⁵⁵ United States of America, *Decreasing Ice = Increasing Activity*, 2016.

³⁵⁶ Arctic Council, *Arctic Marine Shipping Assessment 2009 Report*, 2009, pp. 122-133.

³⁵⁷ *Ibid.*

³⁵⁸ IMO, *Shipping in polar waters*, 2016; Arctic Council, *Arctic Marine Shipping Assessment 2009 Report*, 2009, pp. 122-133.

³⁵⁹ Arctic Council, *Why Corporate Social Responsibility in the Arctic?*, 2015; UN Global Compact, *Our Strategy*.

³⁶⁰ *Ibid.*

³⁶¹ *Ibid.*

³⁶² Burrows, Poison in Arctic and Human Cost of 'Clean' Energy, *Harvard Gazette*, 2015.

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*

³⁶⁵ Higgins, *Hydro-Quebec and Native People*, 1987.

³⁶⁶ *Ibid.*

³⁶⁷ *Ibid.*

³⁶⁸ International Institute for Strategic Studies, *Forum for Arctic Climate Change and Security: Benefits and Limitations of Arctic Development*, 2015, p. 10.

sensitive education and media, which requires schools, equipment, and training.³⁶⁹ The rights to employment, health, and economic and social well-being, espoused in the *International Bill of Human Rights* and UNDRIP, can all be improved through development activities.³⁷⁰ According to the HRC, indigenous management of development on their lands and territories is inherently part of their right to self-determination.³⁷¹ Generally, the most positively impactful development efforts have been led by or incorporate indigenous peoples into the decision-making processes.³⁷² However, indigenous control of development is still uncommon and many indigenous leaders are hesitant to trust any development initiatives based on their past experiences.³⁷³ Even in states where indigenous rights are protected by law, economic development can threaten the sociocultural rights of indigenous peoples.³⁷⁴ Employment opportunities can cause an influx of people into indigenous areas, diluting local culture and pressing indigenous peoples to assimilate rather than maintain their traditional lifestyles.³⁷⁵ Some indigenous leaders have accused governments and corporations of using propaganda to promote development that harms indigenous communities.³⁷⁶ In some instances, leaders describe how all of the economic benefits of a development project were explained in detail but the potential negative sociocultural consequences were never discussed.³⁷⁷ In these instances it is often only after ecosystems and demographics have shifted that indigenous communities become aware of the damage caused.³⁷⁸ UNESCO has examined the cultural impact of both climate change and development and recognizes that there is clear need to protect oral traditions, social practices, and the ancestral knowledge of Arctic indigenous communities.³⁷⁹ Through its Local and Indigenous Knowledge Systems Programme and program on Management of Social Transformation, UNESCO has attempted to provide Member States and indigenous groups the technical support necessary to protect indigenous cultures.³⁸⁰ However, UNESCO has also recognized that stronger support is needed directly from governments to better monitor and track social transformations and understand when indigenous cultures are under threat.³⁸¹ This is particularly true for the protection of intangible cultural heritage that is linked to the environment, although environmentalism and indigenous rights do not always coincide.³⁸²

Case Study: The Sami People of Norway

The Sami of Norway are an indigenous people that engage in traditional reindeer herding, with herds grazing over thousands of square kilometers of Norwegian wilderness that, from their perspective, have been under threat from government and enterprise.³⁸³ Some Sami have even expressed that the government is engaging in a land grab to build roads, tunnels, and mines.³⁸⁴ In some cases nearly half of winter reindeer grazing lands have been utilized for commercial or governmental purposes as companies have been allowed to dig large open-cast mines on traditional Sami land and dump the waste materials in fjords that have long been used for salmon fishing.³⁸⁵ Conservationists have also threatened traditional Sami livelihoods, as they have not only promoted the use of windfarms that have encroached on Sami lands, but have also been highly critical of the Sami's culling of reindeer predators and called for government intervention.³⁸⁶ Until recently, the Sami have feared that their 'Norwegianization' was inevitable.³⁸⁷

³⁶⁹ Macalister, Arctic resource wealth poses dilemma for indigenous communities, *The Guardian*, 2011.

³⁷⁰ International Institute for Strategic Studies, *Forum for Arctic Climate Change and Security: Benefits and Limitations of Arctic Development*, 2015, p. 10.

³⁷¹ UN HRC, *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive industries and indigenous peoples (A/HRC/24/41)*, 2013, p. 5.

³⁷² *Ibid.*, p. 4.

³⁷³ *Ibid.*

³⁷⁴ UNESCO, *Climate Change and Arctic Sustainable Development: Scientific, Social, Cultural and Educational Challenges*, 2009, pp. 118-119.

³⁷⁵ Macalister, Arctic resource wealth poses dilemma for indigenous communities, *The Guardian*, 2011.

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*

³⁷⁸ *Ibid.*

³⁷⁹ UNESCO, *Climate Change and Arctic Sustainable Development: Scientific, Social, Cultural and Educational Challenges*, 2009, pp. 2-3.

³⁸⁰ *Ibid.*

³⁸¹ *Ibid.*

³⁸² Vidal, Sami Reindeer Herders Battle Conservationists and Miners to Cling on to Arctic Culture, *The Guardian*, 2016.

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

³⁸⁶ *Ibid.*

While many challenges remain, Norway has taken significant steps to protect and promote the indigenous rights of the Sami people, in some cases even being praised by UNPFII for doing so.³⁸⁸ Starting in 1987 with the passing of the Sami Act and progressively since, Norway has sought to strengthen the cultural autonomy of the Sami, including by recognizing their language as equal to Norwegian, allowing them to elect their own representatives, and granting them symbolic independence in the form of flags and other iconography.³⁸⁹ In 2009, Norway launched the Gáldu Resource Centre for the Rights of Indigenous Peoples, an independent resource center that distributes information regarding indigenous rights that is governed in part by indigenous representatives.³⁹⁰ While major challenges remain and the Sami people are often critical of government activity, Norway has come to be recognized as one of the staunchest allies of indigenous peoples internationally.³⁹¹

Protecting Indigenous Rights: Arctic Governance, Self-Determination, and Sovereignty

Within Arctic states the degree to which indigenous groups have autonomy and an ability to react to what they perceive as abuse of their lands is varied.³⁹² In situations where national legislation does not recognize indigenous rights, it falls on the indigenous peoples themselves to seek international legal recourse using a treaty; or regionally-based dispute mechanism, a process that can take up to 15 years to be resolved and does little to stop projects in the interim, regardless of their impact on indigenous peoples.³⁹³ If the indigenous communities host state is not party to any treaties or agreements with a dispute mechanism applicable to the issue at hand, indigenous communities may be left with no recourse whatsoever.³⁹⁴ Ensuring that an adequate national legal framework is in place for indigenous people to take action against an entity operating on or near their lands strengthens their ability to protect their lands and culture and realize their right to self-determination.³⁹⁵ However, such national frameworks generally do not recognize full indigenous sovereignty.³⁹⁶ Indigenous sovereignty would extend beyond basic land rights, shifting the granting of land rights from the state to indigenous peoples themselves and granting them full authority to develop their own laws and use the lands as they wish.³⁹⁷ Full indigenous sovereignty is highly contentious as its acceptance would diminish the national sovereignty of Member States.³⁹⁸ For this reason, many indigenous groups focus on securing indigenous rights to free, prior, and informed consent and seek to ensure that their land rights are respected, even where national development plans or the interests of the private sector may run counter to those rights.³⁹⁹

Arctic states are a microcosm of the greater Arctic region in terms of recognition and codification indigenous rights.⁴⁰⁰ Indigenous groups have representation within the Arctic Council via their representative organizations, but they are generally limited to a consultative role.⁴⁰¹ Establishing a requirement of free, prior, and informed consent for any policies affecting indigenous populations, as called for by UNDRIP, or granting them the right to veto within the Arctic Council, would help to ensure that indigenous groups have a larger role in decision-making, but these options are likely to be resisted by most Member States.⁴⁰² Nevertheless, Arctic states have increasingly allowed for indigenous autonomy and self-representation, advancing the realization of their right to self-determination, even if not full sovereignty.⁴⁰³ This is in part due to increased pressure from indigenous groups and in response to calls from

³⁸⁷ Ibid.

³⁸⁸ UNPFII, *Indigenous Peoples in the Arctic Region*; UNPFII, *Report on the Eighth Session*, 2009, pp. 7-10.

³⁸⁹ Kingdom of Norway, *The Sami Act*, 1987.

³⁹⁰ UNPFII, *Indigenous Peoples in the Arctic Region*; UNPFII, *Report on the Eighth Session*, 2009, pp. 7-10.

³⁹¹ Corrie, *Indigenous Update: Norway Tries to Burn UNDRIP Rights*, *The Sunhead Project*, 2015.

³⁹² Fjellheim & Henriksen, *Oil and Gas Exploitation on Arctic Indigenous Peoples' Territories Human Rights, International Law and Corporate Social Responsibility*, 2006, p. 18.

³⁹³ Ibid.

³⁹⁴ Ibid.

³⁹⁵ Ibid.

³⁹⁶ Ibid., pp. 10-11.

³⁹⁷ Pelizzon, *Sovereignty: General Principles*, 2008.

³⁹⁸ Forgeron, *Indigenous Rights: The Hidden Cost of Arctic Development*, 2015.

³⁹⁹ Zeese & Flowers, *Indigenous Nations Are at the Forefront of the Conflict with Transnational Corporate Power that Affects Us All*, 2013.

⁴⁰⁰ Forgeron, *Indigenous Rights: The Hidden Cost of Arctic Development*, 2015.

⁴⁰¹ Ibid.

⁴⁰² Ibid.

⁴⁰³ UNPFII, *Indigenous Peoples in the Arctic Region*.

the international community for Member States to establish indigenous autonomy.⁴⁰⁴ In many cases, however, the interests of indigenous populations and the interests of the state are still divergent.⁴⁰⁵

Conclusion

The Arctic is among the most environmentally significant and biologically diverse regions in the world.⁴⁰⁶ The natural environment in the region is a core component of the heritage of the indigenous communities that live there, but the region is also rich with natural resources and increasingly open for commercial exploitation.⁴⁰⁷ As the Arctic undergoes changes due to climate change, indigenous peoples are struggling to maintain their traditional ways of life and maintain control of their lands and resources.⁴⁰⁸ The economic and developmental interests of Arctic states and private enterprises have routinely superseded the rights of indigenous peoples, even as most Arctic states have increasingly recognized and worked to grant some level of autonomy and control to indigenous peoples in development projects.⁴⁰⁹ Many are working to harmonize national legislation with UNDRIP and past UNPFII recommendations regarding free, prior, and informed consent, which may indicate the beginning of a process to turn Arctic development from a threat to indigenous peoples into a long-term benefit.⁴¹⁰

Further Research

In considering what recommendations should be made by UNPFII to preserve indigenous rights in the context of Arctic development, delegates should consider the following questions: To what extent do the current frameworks and institutions protect the rights of indigenous peoples in the Arctic? What UN bodies and agencies are best positioned to help in the realization of indigenous rights in the Arctic? What role does the private sector have to play and how can they be encouraged to uphold their CSR? What is the role of the civil society? How might the interests of Member States and their indigenous populations differ in the context of development? How can development projects be undertaken in such a way as to maximize the benefit to indigenous populations?

Annotated Bibliography

Fjellheim, R., & J. Henriksen. (2006). Oil and Gas Exploitation on Arctic Indigenous Peoples' Territories Human Rights, International Law and Corporate Social Responsibility. *Gáldu Čála Journal of Indigenous People's Rights*, 4 (2006). Retrieved 26 August 2016 from: <http://www.galdu.no/getfile.php/3308662.2388.tctspyyeta/oilengelsk2.pdf>

This extensive entry from the Gáldu Čála Journal of Indigenous People's Rights is useful and relevant because it not only examines the legal regimes in Member States and how those regimes impact the realization of indigenous rights, but also examines the perspective of corporations. The very detailed text provides a realistic overview of the relative power of institutions, including indigenous groups, and describes how CSR can be implemented. As delegates read this document, they should think about the implications of some of its statements for indigenous peoples, as the human aspect is not heavily discussed.

Forgeron, D. (2015). Indigenous Rights: The Hidden Cost of Arctic Development. *Harvard International Review*, 36 (3). Retrieved 24 August 2016 from: <http://hir.harvard.edu/indigenous-rights-the-hidden-cost-of-arctic-development/>

In his article published by the Harvard International Review, Forgeron provides a detailed overview of how indigenous peoples are involved in Arctic governance and the extent to which the rights of indigenous peoples are respected in the region. His elaboration on how interests in the region have impacted the ability of indigenous peoples to realize their rights is indicative of what is impacting decision-making in the region. The discussion of sovereignty at the end will provide particular insight into what many indigenous groups see as a fundamental problem.

⁴⁰⁴ Forgeron, *Indigenous Rights: The Hidden Cost of Arctic Development*, 2015.

⁴⁰⁵ Ibid.

⁴⁰⁶ Imster, Sylvia Earle: An Open Ocean in Arctic Summer, *EarthSky*, 2011.

⁴⁰⁷ Huntington & Fox, *The Changing Arctic: Indigenous Perspectives*, 2004, pp. 92-93.

⁴⁰⁸ Ibid.

⁴⁰⁹ UNPFII, *Indigenous Peoples in the Arctic Region*.

⁴¹⁰ Ibid.; UNPFII, *Report on the Eighth Session*, 2009, pp. 7-10.

Huntington, H., & S. Fox. (2004). *The Changing Arctic: Indigenous Perspectives*. Retrieved 25 August 2016 from: http://www.acia.uaf.edu/PDFs/ACIA_Science_Chapters_Final/ACIA_Ch03_Final.pdf

This excerpt from the Arctic Climate Impact Assessment has excellent case studies that demonstrate the social impact of climate change on indigenous peoples. The direct observations of indigenous peoples contained in this document can be particularly insightful and help delegates grasp how Arctic populations are reacting to the impact of climate change. The introduction also provides a good baseline of understanding on the topic of indigenous knowledge and its applications.

International Institute for Strategic Studies. (2015). *Forum for Arctic Climate Change and Security: Benefits and Limitations of Arctic Development*. Retrieved 25 August 2016 from: <https://www.iiss.org/-/media/Documents/Events/Arctic%20workshops/Arctic%20Report%202015.pdf>

While most of the available written works are wholly critical of development in the Arctic Region, the International Institute for Strategic Studies provides a balanced overview of the potential benefits and detractions of such development in this report. This relatively short document is a good starting point for delegates as it not only touches on many aspects of the topic at hand, but also provides an overview of many other important resources to give delegates context before they engage in deeper research. Delegates should carefully examine the section on economic sectors in the Arctic, as it is indicative of what type of developed is being pursued.

Inuit Circumpolar Council. (2011). *Resource Development Principles in Inuit Nunaat*. Retrieved 17 July 2016 from: www.inuitcircumpolar.com/uploads/3/0/5/4/30542564/declaration_on_resource_development_a3_final.pdf

This declaration from the Inuit Circumpolar Council embodies the will of the indigenous peoples of the Arctic with regard to development and resource extraction. Delegates should read this to gain an understanding of the high-level viewpoint of indigenous peoples, but should also be cognizant that some of what is expressed in this declaration may not necessarily coincide with their state's interests. This high-level perspective may help delegates to further research the many sub-topics touched upon by the declaration.

United Nations Educational, Scientific and Cultural Organization. (2009). *Climate Change and Arctic Sustainable Development: scientific, social, cultural and educational challenges* [Report]. Retrieved 17 July 2016 from: <http://unesdoc.unesco.org/images/0018/001863/186364e.pdf>

UNESCO provides an extensive examination of how changes in the Arctic have impacted indigenous peoples' ways of life. It is principally focused on the impacts of climate change. Section 5 on economic development and social transformations may be particularly useful in helping delegates to understand this topic. Sections 7 and 8 could also help delegates think about a course of action the international community can take to address actions that are negatively affecting indigenous peoples in the Arctic region.

United Nations, General Assembly, Sixty-first session. (2007). *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*. Retrieved 8 August 2016 from: <http://undocs.org/A/RES/61/295>

UNDRIP is the most comprehensive and significant indigenous rights document adopted to date. Delegates need to spend some time familiarizing themselves with this declaration, including identifying which articles are most applicable to the topic at hand, and more generally how the numerous rights and principles enumerated within can apply to the situation in the Arctic. Delegates should consider other human rights documents, such as the UDHR and ICCPR, and consider how rights are talked about differently and which rights are enumerated in UNDRIP but not within the others. In addition to examining the text itself, delegates should research the extent to which their state has implemented UNDRIP and if they have expressed any reservations in doing so.

United Nations, Human Rights Council. (2013). *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive industries and indigenous peoples (A/HRC/24/41)*. Retrieved 24 August 2016 from: <http://undocs.org/A/HRC/24/41>

While this report does not specifically address the Arctic, the concepts regarding the extractive industries and its potential benefits and detriments for indigenous peoples are directly applicable to the region. The section on the principle of free, prior, and informed consent will help delegates

understand the topic. In particular, section II will likely spark the most ideas for recommendations that UNPFII could make. Delegates may also want to examine the section on rights-centered, equitable agreements and partnership and due diligence by extractive companies to gain insight as to how potentially positive interactions between firms and indigenous groups.

United Nations Permanent Forum on Indigenous Issues. *Report on the Eighth Session*. Retrieved 17 July 2016 from: http://www.un.org/esa/socdev/unpfii/documents/E_C_19_2009_14_en.pdf

This report, which delegates can use to gain an understanding of how UNPFII reports to ECOSOC, includes a section on UNPFII recommendations on the Arctic. This 3.5-page section is very important for delegates to read in detail, as it will help them gain an understanding of how UNPFII has discussed this topic in the past and give them a starting point for discussion. Several other UN bodies and programs are mentioned in this section, which will also give delegates an idea of what other agencies they can recommend take action.

Vidal, J. (2016, February 20). Sami Reindeer Herders Battle Conservationists and Miners to Cling on to Arctic Culture. *The Guardian*. Retrieved 28 September 2016 from: <https://www.theguardian.com/global-development/2016/feb/21/sami-people-reindeer-herders-arctic-culture>

This article provides insight into some of Norway's indigenous people who now feel that their way of life is threatened not only by higher levels of development, but also by conservationists. This interesting article demonstrates how indigenous issues are unique and not necessarily congruous with environmental concerns. It will also provide a contrast to the high-level viewpoint expressed in declarations by the Inuit Circumpolar Council and give delegates an idea of the practical implications felt by indigenous peoples.

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