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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# Table of Contents

United Nations System at NMUN•NY ................................................................. 3

Abbreviations ........................................................................................................ 4

Committee Overview ............................................................................................... 5

- Introduction ........................................................................................................ 5
- Governance, Structure, and Membership .............................................................. 6
- Mandate, Functions, and Powers .......................................................................... 7
- Recent Sessions and Current Priorities ............................................................... 8
- Conclusion .......................................................................................................... 9
- Annotated Bibliography ..................................................................................... 9
- Bibliography ...................................................................................................... 10


- Introduction ...................................................................................................... 14
- International and Regional Framework ............................................................... 15
- Role of the International System ........................................................................ 16
- Challenges to the Full Implementation of UNDRIP ............................................ 18
- Monitoring UNDRIP’s Implementation ............................................................... 18
- Conclusion ....................................................................................................... 20
- Further Research .............................................................................................. 20
- Annotated Bibliography ................................................................................. 20
- Bibliography .................................................................................................... 22

II. Sustainable Tourism and the Economic, Social, and Cultural Rights of Indigenous Peoples .................... 26

- Introduction ...................................................................................................... 26
- International and Regional Framework ............................................................... 26
- Role of the International System ........................................................................ 28
- The Impact of Tourism on Land and Cultural Rights .......................................... 29
- Threats to and Protection of the Environment and Biodiversity ....................... 30
- Models for Indigenous Tourism ......................................................................... 31
- Conclusion ....................................................................................................... 32
- Further Research .............................................................................................. 33
- Annotated Bibliography ................................................................................. 33
- Bibliography .................................................................................................... 35

III. Development of the Arctic: Preserving Indigenous Rights ................................................................. 40

- Introduction ...................................................................................................... 40
- International and Regional Framework ............................................................... 40
- Role of the International System ........................................................................ 41
- A Changing Arctic and its Impacts on Indigenous Populations ............................ 43
- The Realization of Rights in the Context of Development .................................... 44
- Protecting Indigenous Rights: Arctic Governance, Self-Determination, and Sovereignty .................. 46
- Conclusion ....................................................................................................... 47
- Further Research .............................................................................................. 47
- Annotated Bibliography ................................................................................. 47
- Bibliography .................................................................................................... 49
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.

General Assembly

Security Council

Economic and Social Council

Secretariat

International Court of Justice

Trusteeship Council

Subsidiary Bodies

GA First – Disarmament and International Security
GA Second – Economic and Financial
GA Third – Social, Humanitarian, and Cultural
HRC – Human Rights Council

Related Organizations

IAEA – International Atomic Energy Agency

HLPF – High-level Political Forum on Sustainable Development

Other Entities

UNHCR – Office of the UN High Commissioner for Refugees

Funds and Programmes

UNDP – UN Development Programme
UNEA – UN Environment Assembly
UN-HABITAT – UN Human Settlements Programme
UNICEF – UN Children’s Fund
WFP – World Food Programme

Other Bodies

UNAIDS – Joint UN Programme on HIV/AIDS
UNPFII – Permanent Forum on Indigenous Issues

Functional Commissions

CCPCJI – Crime Prevention and Criminal Justice
CSocD – Social Development
CSW – Status of Women

Specialized Agencies

UNESCO – UN Educational, Scientific and Cultural Organization
WHO – World Health Organization
### Abbreviations

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

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

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. 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). However, the rights of indigenous communities continue to be challenged in almost every region and in diverse ways. Their access and right to land and resources have been compromised due to infrastructure projects, extractive industries, and agricultural businesses. Indigenous communities have faced delays in land regulation, and they have suffered expropriation, land grabbing, and forced displacement. Additionally, their culture is threatened in many parts of the world due to discrimination and exclusion from decision-making processes. 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.

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). 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 Minors, to analyze and review developments concerning the rights of indigenous peoples. 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.” 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.

Subsequent efforts increased the visibility of indigenous issues, such as the World Conference on Human Rights, held in Vienna, Austria, in June 1993. 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.” 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.

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5 Ibid.
6 Ibid.
12 Ibid.
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. 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. Consequently, the International Decade of the World’s Indigenous People recognized the establishment of such a forum as one of its key objectives.

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. 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.” Continuous efforts to advance indigenous issues resulted in the Second International Decade on the World’s Indigenous People, which commenced in 2005. UNPFII’s role during this period was to create awareness on discrimination against women and generate actions to address it. It provided a platform for indigenous peoples to demand their inclusion in development processes and fostered the engagement and increased participation of international actors in its yearly sessions.

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). Although human rights areas are part of UNPFII’s mandate, EMRIP reports directly to the Human Rights Council (HRC). 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. SRRIP works closely with relevant subsidiary organs of the HRC and the UN system to protect the rights of indigenous communities. It gathers and administers information from diverse sources on alleged violations of the rights of indigenous communities and prepares recommendations on the matter.

### 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. 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.

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

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23 Ibid.
24 UN Division for Social Policy and Development, *Indigenous People at the UN*.
28 Ibid.
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* (UNDRIIP).\(^{43}\) 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.\(^{47}\)

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\(^{33}\) UN DESA, *Secretariat of the Permanent Forum on Indigenous Issues*.

\(^{34}\) Ibid.


\(^{37}\) Ibid.

\(^{38}\) Ibid.

\(^{39}\) Ibid.


\(^{45}\) Ibid.


\(^{47}\) Ibid.

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

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\(^{50}\) OHCHR, *United Nations-Indigenous Peoples’ Partnership (UNIPP)*.


\(^{52}\) UN Radio, *Supporting indigenous peoples’ right to health care access*, 2015.


\(^{54}\) IWGIA, *Indigenous peoples and education*.


\(^{60}\) Ibid.

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


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.


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.
72 Ibid.
73 UN DESA, Sustainable tourism, 2015.
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.


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.


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.


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.

Bibliography


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. They are divided into 5,000 different groups, and 70% of them live on the Asian continent. 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. Still, indigenous communities represent about 15% of the world’s poor and 33.3% of the rural poor. 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.

For decades, indigenous communities have pushed for increased participation in decision-making processes to promote, defend, and gain respect for their rights. 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. 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. Finally, the Human Rights Council (HRC) authorized the submission of the document to the UN General Assembly for a vote. After a process of over 20 years of negotiations, the General Assembly adopted UNDRIP in 2007. At the time of the vote, 144 Member States voted in favor, with 11 abstentions and 4 votes against. 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).

The definition of “indigenous peoples” represented a challenge for many governments during the establishment of the Declaration. 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.”

76 Cultural survival, Who are indigenous peoples?
87 IPU et al., Implementing the UN Declaration on the Rights of Indigenous Peoples, 2014, p. 12.
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. 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.

**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. 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. 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.

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. However, criticism arose as the Convention encouraged the assimilation and integration of indigenous communities into the population at large. 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. 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. 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.

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. 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. ICCPR recognizes the right to pursue economic, social, and cultural development, as well as the right to self-determination, in conformity with the Charter. Furthermore, it grants ethnic, religious, or linguistic minorities the right to enjoy their own culture. The Committee on Economic, Social and Cultural Rights (CESCR), the monitoring mechanism for ICESCR’s implementation, has further recognized the right of indigenous

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93 Ibid.
96 Ibid.
97 Ibid., p. 5.
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.\textsuperscript{103}

In 1997, the Committee on the Elimination of Racial Discrimination (CERD) emphasized that the provisions of the 1965 \textit{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.”\textsuperscript{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.\textsuperscript{105} To guarantee the rights of the indigenous child, the \textit{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.\textsuperscript{106} At the time of the adoption of the CRC, remaining challenges facing indigenous rights were various, and the realization of the \textit{Vienna Declaration and Programme of Action} (VDPA) in 1993 triggered global momentum for the defense of human rights.\textsuperscript{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.\textsuperscript{108} The VDPA also praised the efforts of the international community to establish a permanent forum on indigenous issues.\textsuperscript{109}

On a regional level, the Indigenous Peoples’ Task Force (IPTF) advocates for increased participation and visibility of indigenous peoples in Southeast Asia.\textsuperscript{110} IPTF 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).\textsuperscript{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 28\textsuperscript{th} Ordinary Session in 2000.\textsuperscript{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.\textsuperscript{113} In the Americas, the General Assembly of the Organization of American States (OAS) adopted the \textit{American Declaration on the Rights of Indigenous Peoples} by acclamation in 2016.\textsuperscript{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.\textsuperscript{115}

\textbf{Role of the International System}

The implementation of UNDRIP translates into generating actions that accelerate the realization of indigenous rights.\textsuperscript{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

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\textsuperscript{103} UN CESCR, \textit{General comment No. 21 (E/C.12/GC/21)}, 2009, p. 9.
\textsuperscript{107} UN World Conference on Human Rights, \textit{Vienna Declaration and Programme of Action}, 1993.
\textsuperscript{108} Ibid.
\textsuperscript{109} Ibid.
\textsuperscript{110} IWGIA, \textit{ASEAN Intergovernmental Commission on Human Rights, AICHR}
\textsuperscript{111} Ibid.
\textsuperscript{113} Ibid.
\textsuperscript{114} OAS, \textit{A 17-Year Wait Pays off for Indigenous Peoples}, 2016.
\textsuperscript{115} Ibid.
\textsuperscript{116} Indigenous Bar Association, \textit{Understanding and Implementing the UN Declaration on the rights of Indigenous Peoples: An Introductory Handbook}, 2011, p. 29.
\end{flushleft}
environment. Through its mandate, UNPFII accelerates actions towards meaningful implementation of UNDRIP, and it has increased participation of indigenous peoples in international decision-making processes. During the organization of the World Conference on Indigenous Peoples, UNPFII enabled participation of indigenous representatives in the preparatory discussions for the conference.

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. Furthermore, UNPFII has raised awareness on urgent issues and appealed to international and local institutions to develop studies in these areas. Such issues have evidenced the persisting need to protect and realize indigenous rights. Issues include a high incidence of suicide and self-harm within indigenous communities. 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.

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. EMRIP provides HRC with proposals and thematic expertise through research and studies. 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. 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. 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. 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.

To mobilize a broader spectrum of the international community, the Inter-Agency Support Group (IASKG) coordinates 41 intergovernmental and multilateral organizations, specialized agencies, and UN bodies, helping to implement the recommendations of UNPFII with input and advice. 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.” 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.

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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.
126 Ibid., p. 15.
127 Ibid., p. 15.
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. 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. 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. 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. 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.

The country-specific situations of indigenous peoples demand a comprehensive contextualization of policies and strategies, which challenges the capacities of national institutions. 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. 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. This requires Member States to find unique approaches compatible with both their respective national legislation and the provisions of UNDRIP.

Monitoring UNDRIP’s Implementation

Measuring the implementation of UNDRIP at the national level requires significant commitment and investment from Member States. Since they are not legally bound by UNDRIP’s provisions, governments often consider it as only a moral, aspirational set of guidelines. Therefore, various proposals have been conceived to assist Member States in this task and to monitor their progress. 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. Both alternatives would enable the elaboration of strategies to address violations and prepare remedies after their execution. 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.
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).
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.
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.
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

150 Ibid., p. 51.
151 Ibid., p. 70.
152 Ibid., p. 84.
153 UN Division for Social Policy and Development, Data and indicators.
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.
160 Ibid.
161 Ibid.
162 Ibid.
States’ legal and institutional frameworks.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{166} Beyond these contributions, UNPFII is also endowed with the responsibility of addressing challenges identified by States during the process of implementation of UNDRIP.\textsuperscript{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.\textsuperscript{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**


*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.*


*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.*

\textsuperscript{163} OHCHR, *SDGs Indicator Framework*, 2015, p. 4.
\textsuperscript{164} Ibid.
\textsuperscript{168} Ibid.
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.

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.

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.

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.

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.

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


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.


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.

Bibliography


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.”

Introduction

In 2015, almost 1.2 billion tourists travelled internationally, a number that is expected to grow rapidly in the coming years. 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. 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.” While frameworks on sustainability have advanced, this definition is the basis for sustainability in tourism. 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.” 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.

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. Indigenous peoples comprise only 6% of the global population, but indigenous lands constitute 20% of the Earth’s territory. 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. 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. 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). However, realizing those benefits will require political will, financial and technical support, and the progressive development of international frameworks on sustainable tourism.

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. However, as the concept of sustainability was accepted internationally, the focus of tourism frameworks shifted. The 1989 *Hague Declaration*...
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. In just three years, sustainable tourism became a topic of discussion at the UN Conference on Environment and Development. 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. 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.

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. The rights to freedom of movement and leisure, which are key in many tourism frameworks, are both enumerated in the UDHR. 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. 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. 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.” 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.

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. 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. 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.” 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. In 2012, the Larrakia Declaration was adopted at the first Pacific Asia Indigenous Tourism Conference hosted by the World Indigenous Tourism Alliance (WINTA). 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. 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

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184 Ibid.
185 UNCED, Agenda 21, 1992.
186 Ibid.
188 Ibid.
193 Ibid.
195 Ibid., p. 10.
196 Ibid., p. 10.
198 Ibid.
199 Ibid.
resources. It also provides protections for cultural heritage and intellectual property beyond those called for by UNDRIP. 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. In the same year, they adopted the SDGs, which will be a major driver of international discussions on sustainable tourism moving forward. 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. 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. 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.

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. At the international level, many institutions are already working to preserve cultural heritage in the context of tourism. 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. UNESCO’s Local and Indigenous Knowledge Systems initiative promotes the use of indigenous knowledge in the formation of environmental policy. UNESCO also maintains the World Heritage List, a public record of sites recognized as having globally significant cultural or natural heritage. 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. 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.

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. There are UNWTO affiliate members in more than 80 Member States. In addition, there are many NGOs specifically focused on protecting indigenous rights. 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.

201 Ibid.
203 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), 2015.
204 Ibid.
206 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), 2015, p. 33.
208 Ibid.
210 Ibid.
211 UNESCO, Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972.
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. 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.

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. 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. 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. UNPFII has made direct recommendations on tourism at two of its sessions. At its second session in 2003, UNPFII asked that the UNWTO study and prepare an initial paper on indigenous tourism. 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.” 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. 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.

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. 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. A Kalash representative described the advertising as making them “look like zoo animals.” 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. 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.

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. In the worst instances, indigenous groups have been forcibly displaced by tourism activities. In 1919, the Havasupai people were driven from their traditional lands in the Grand Canyon of the United States. 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.

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217 Ibid.
218 OHCHR, NGO Participation in the HRC, 2016.
219 Ibid.
224 UNPFII, UNPFII 12th Session Recommendations for UN Agencies, 2013.
229 Ibid.
232 Ibid.
233 Ibid.
234 Ibid.
235 Ibid.
damage, and erosion.\textsuperscript{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.\textsuperscript{236} In 1997, Taj Resort Hotels, a group recognized for sustainability in tourism, attempted to build a so-called ‘eco-resort’ in Karnataka, India.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{240}

\textbf{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.\textsuperscript{241} One of the most widely ratified international treaties, the 1992 \textit{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{244}

To combat these realities, the Secretariat of the CBD has developed a series of guidelines designed to assist governments in protecting biodiversity.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{251}

\begin{footnotes}
\footnotetext[235]{Ibid.}
\footnotetext[236]{Ibid.}
\footnotetext[237]{\textit{Cultural Survival Quarterly, Belize: Our Life, Our Lands- Respect Maya Land Rights}, 2013.}
\footnotetext[238]{Ibid.}
\footnotetext[239]{Ibid.}
\footnotetext[240]{Maya, \textit{Indigenous Peoples Find Frustration with United Nations Conference}, 1999.}
\footnotetext[242]{\textit{Convention on Biological Diversity}, 1992.}
\footnotetext[243]{Maya, \textit{Indigenous Peoples Find Frustration with United Nations Conference}, 1999.}
\footnotetext[244]{OHCHR, \textit{Leaflet No. 10: Indigenous Peoples and the Environment}, 2008, p. 2.}
\footnotetext[245]{Secretariat of the Convention on Biological Diversity, \textit{Guidelines on Biodiversity and Tourism Management}, 2004.}
\footnotetext[246]{Ibid.}
\footnotetext[247]{UNESCO, \textit{UNESCO World Heritage and Sustainable Tourism Programme}.}
\footnotetext[248]{Pedersen, \textit{Managing Tourism at World Heritage Sites: A Practical Manual for World Heritage Site Managers}, 2002.}
\footnotetext[249]{AbHadi et al., \textit{Poverty eradication through vocational education (tourism) among indigenous people communities in Malaysia: Pro-Poor Tourism Approach (PPT)}, 2013.}
\footnotetext[250]{ProNGO!, \textit{Increasing Employment in Rural Areas through Tourism Development}, 2015.}
\footnotetext[251]{UNWTO, \textit{Training on Tourism and Biodiversity: Understanding Tourism Trends and Biodiversity Conservation for Innovative Products and Marketing}, 2012.}
\end{footnotes}
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.\(^{267}\)

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\(^{257}\) Ibid.

\(^{258}\) Ibid.


\(^{261}\) Ibid.


\(^{264}\) The International Ecotourism Society, What is Ecotourism?, 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.” 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. 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. 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.

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. 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. 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. 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. 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. 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.

Conclusion
There is a long history of indigenous peoples being negatively impacted by tourism, including tourism that is marketed as sustainable. 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. 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. 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. 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.

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268 Promoting Community led cultural heritage based tourism – Story behind TourEast, TourEast, 2016.
269 Sustainable Tourism Online, Cultural Heritage Tourism, 2010.
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 Ibid.
278 Backstreet Academy, About Us.
281 Ibid.
282 Rebutin, Social Enterprise and Tourism, the Key to a Better Integration of Indigenous Populations, 2009.
**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**


*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.*


*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 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.*


*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 Ecologe. 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.*
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.

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.

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.

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.

Bibliography


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

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[285] Ibid.  
[287] Ibid.  
[290] Ibid.  
[293] UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1), 2015.  
rights. 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.

Unlike the Antarctic, there is no formal legal regime governing the Arctic. 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. 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. 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. The earliest of these was the 1991 Declaration on Protection of the Arctic Environment. 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.

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. Additionally, the 2030 Agenda for Sustainable Development calls for indigenous populations to be empowered in the implementation of the SDGs. 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. 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. 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. 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.

Role of the International System

The Arctic Council is the principal regional body responsible for Arctic governance. 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. 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. Subordinate to the Council are six working groups, including the Arctic Monitoring and Assessment Programme, which monitors

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300 Proelss & Müller, The Legal Regime of the Arctic Ocean, 2008.
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.
309 Ibid.
310 Ibid.
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 MAP, 2016; Arctic Council, Sustainable Development Working Group (SDWG), 2016.
316 Arctic Council, Kiruna Vision for the Arctic, 2013.
317 Ibid.
320 Ibid.
322 Inuit Circumpolar Council, Declaration on Sovereignty in the Arctic, 2009.
323 Ibid.
326 UNEP, About UNEP.
328 Arctic NGO Forum, Partners, 2014.
331 OHCHR, NGO Participation in the HRC, 2016.
In addition, several UN entities are directly involved in the Arctic region. 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. 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. 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. UNESCO recommended that Arctic states seek out new sites and improve the management and protection of existing sites, but, although the Internationals 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.

UNPFII has also addressed the Arctic directly. 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. 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. 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. The involvement of Arctic indigenous groups at UNPFII influences its recommendations on general indigenous issues and on the Arctic itself. 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.

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. For indigenous communities the most visible effects are the result of climate change. 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. Indigenous groups have described an “entire ecosystem change” as temperatures have risen, vegetation has crept north, and migration routes of wild game have changed. 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. In May 2016, the United States of America, Denmark, Finland, Iceland, Norway, and Sweden negotiated an environmental protection agreement that included commitments for adaptation. 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.

333 IMO, Shipping in polar waters, 2016.
335 Ibid.
336 Ibid.
338 Ibid.
339 Ibid.
340 Inuit Circumpolar Council, Statement by the Arctic Caucus: Item 3 (c) Culture, 2013.
341 Ibid.
342 Ibid.
346 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. Early attempts at resource exploitation proved disastrous for indigenous peoples. 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. Although environmental activists managed to force Shell to suspend the drilling in 2014, there was lasting damage to the inhabitants of nearby villages. 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. 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 though Arctic waters, which provide a significantly shorter shipping lane than existing routes through the Suez Canal. For coastal communities, such large vessels disrupt ice and small watercrafts that indigenous communities rely on for movement. 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. 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. 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. CSR refers to a company’s responsibility to respect human and indigenous rights, labor and environmental standards, and fight corruption. However, while there are existing international frameworks on CSR, such as the Global Compact, they are largely voluntary in nature.

Even traditionally sustainable development projects run the risk of harming indigenous communities. 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. It was discovered that the dam would likely increase the methylmercury levels in downstream lakes, devastating indigenous access to resources and food. Existing hydroelectric installations, marketed to Canadians and Americans alike as a source of cheap renewable energy, have already affected indigenous populations. 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. 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.

**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. These resources can be used to realize certain indigenous rights that necessitate capital investment, such as the right to establish culturally

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350 Efferink, Arctic Geopolitics – Russia’s territorial claims, UNCLOS, the Lomonosov Ridge, Exploring Geopolitics, 2011.
352 Ibid.
353 Ibid.
355 United States of America, Decreasing Ice = Increasing Activity, 2016.
357 Ibid.
359 Arctic Council, Why Corporate Social Responsibility in the Arctic?, 2015; UN Global Compact, Our Strategy.
360 Ibid.
361 Ibid.
363 Ibid.
364 Ibid.
366 Ibid.
367 Ibid.
sensitive education and media, which requires schools, equipment, and training. 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. According to the HRC, indigenous management of development on their lands and territories is inherently part of their right to self-determination. Generally, the most positively impactful development efforts have been led by or incorporate indigenous peoples into the decision-making processes. However, indigenous control of development is still uncommon and many indigenous leaders are hesitant to trust any development initiatives based on their past experiences. Even in states where indigenous rights are protected by law, economic development can threaten the sociocultural rights of indigenous peoples. 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. Some indigenous leaders have accused governments and corporations of using propaganda to promote development that harms indigenous communities. 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. In these instances it is only often after ecosystems and demographics have shifted that indigenous communities become aware of the damage caused. 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. 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. 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. 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.

**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. Some Sami have even expressed that the government is engaging in a land grab to build roads, tunnels, and mines. 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. 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. Until recently, the Sami have feared that their ‘Norwegianization’ was inevitable.

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372 Ibid., p. 4.
373 Ibid.
376 Ibid.
377 Ibid.
378 Ibid.
379 Ibid.
380 Ibid.
381 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. 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. 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. 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.

**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. 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. 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. 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. However, such national frameworks generally do not recognize full indigenous sovereignty. 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. Full indigenous sovereignty is highly contentious as its acceptance would diminish the national sovereignty of Member States. 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.

Arctic states are a microcosm of the greater Arctic region in terms of recognition and codification indigenous rights. Indigenous groups have representation within the Arctic Council via their representative organizations, but they are generally limited to a consultative role. 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. 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. This is in part due to increased pressure from indigenous groups and in response to calls from

387 Ibid.
393 Ibid.
394 Ibid.
395 Ibid.
396 Ibid., pp. 10-11.
401 Ibid.
402 Ibid.
403 UNPFII, Indigenous Peoples in the Arctic Region.
the international community for Member States to establish indigenous autonomy. In many cases, however, the interests of indigenous populations and the interests of the state are still divergent.

Conclusion

The Arctic is among the most environmentally significant and biologically diverse regions in the world. 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. 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. 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. 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.

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


This extensive entry from the Gåldu Čåla 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.


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.

405 Ibid.
408 Ibid.
409 UNPFII, Indigenous Peoples in the Arctic Region.

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.


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 development is being pursued.


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.


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.


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.


While this report does not specifically address the Arctic, the concepts regarding the extractive industries and its potential benefits and determents 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.


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.


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.

**Bibliography**


