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Introduction Letters

*Director: George Mullens*

Dear Delegates,

My name is George Mullens, I’m a British and Italian Masters student at SOAS, University of London reading International Studies and Diplomacy. I previously completed a Law with Politics LLB degree at the University of Sussex where I was the President of the MUN Society for two years. I have also acted as Deputy Director General for Chairing and Logistics at LIMUN: High School and USG Chairing for UkraineMUN, the first international conference in the country. I’ve been doing MUN since the age of 15 and it has proved to be a great passion of mine. I have had the great fortune to chair at some of the best conferences in Europe, and this will be my third time chairing at LIMUN. If you have any questions, please contact us at unhrc@limun.org.uk
Assistant Director: Angela Portocarrero

My name is Angela Portocarrero, I study Law and Political Science, and I'm currently living in the Netherlands experiencing my Erasmus year! I'm originally from Madrid, Spain, where I was president of my University's MUN Society for two years and was kept consistently busy with training lots of new delegates and traveling to conferences all over, of which LIMUN remains one of my favourites.

I am currently Editor in Chief at United Ambassadors and although I'm usually always busy with simulations and conferences, you can also find me outside of MUN in Debating tournaments, practicing my languages or traveling!

Assistant Director: Martha Kubiniec

Dear delegates,

My name is Martha Kubiniec, and I’m a Polish and American student of Law and Politics at Cardiff University. I have participated in my first MUN in New York in 2013, currently I am the president of my universities’ MUN society and Deputy Secretary General for CardiffMUN 2017. My main interests lie within development policy, migration and humanitarian law. Outside of academics and MUN, I enjoy traveling and volunteering. I am looking forward to participating in LIMUN for the first time and meeting all of you!
Introduction to the Committee

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations that is made up of 47 states and is responsible for the protection and promotion of human rights worldwide. Founded in 2006, UNHRC deals with a wide variety of topics which impact human rights on a global scale. UNHRC was created by the General Assembly under resolution 60/251 to replace the United Nations Commission on Human Rights\(^1\).

From LGBT rights to freedom of expression and the rights of racial and ethnic minorities, UNHRC has strived to improve the situation of human rights worldwide by abiding by the UN Charter and the Universal Declaration of Human Rights. Members are elected to the Council serving a term of three years, no member is allowed to serve more than two consecutively\(^2\).

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2 ibid
Topic A: Evaluating potential human rights infringements by technological developments

Introduction
Technological development is a gradual process of change brought by the introduction of new technology. Although the term “technological development” can be rather broad, also including medical and scientific advances, in this topic we will be focusing on technological development in the field of information technology.

The issue of information technology advances and their implications for society has been widely discussed in different ways throughout history; from Huxley’s Brave New World to Orwell’s 1984 dystopia, the preoccupation that technology would be used by governments as a tool for surveillance has been significantly present in literature and philosophy. However, from the 1970s to today this ‘theoretical’ debate has become a real-life issue, and more so since the NSA scandals of 2013.
The revelations of the Snowden files and the realisation that governments were using information technology for surveillance of their citizens re-sparked the debate of security and privacy as opposing rights, leading to world-wide petitions for harder restrictions, legislation and more transparency and control.³

Today, government use of technology and the lack of transparency in said use is one of the most talked about issues worldwide, with more and more information coming in every day revealing new details about surveillance activities. Relations between world leaders, national security, and international peace, are some of the elements that have been threatened by the disclosure of technology and surveillance-related programs.

**History of the Problem**

Major developments in the field of information technology have been happening at least since 1957, when Russia launched Sputnik 1 into space. The technological race of the Cold War caused the United States to start developing the most resistant communications system. A program that would later provide public access to the World Wide Web, changing the field of technology forever⁴.

In the 1970s, the United States’ Watergate scandal revealed the Nixon Administration had been using the technology available to the CIA and the FBI to carry out wide-range surveillance of communications of American and foreign citizens⁵. These revelations of the use of privacy-invading technology started the debate on the morality and legality of said practices. Although surveillance programs had existed

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³ Ewan Macaskill and Gabiel Dance (2013) “NSA Files: Decoded”, Available at: https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/1, Accessed on 31/10/16


before Watergate, since, at least, World War II, when the first intelligence coalitions between the US and the UK began, these weren’t revealed until decades later.\(^6\)

In 2001, after the 9/11 terror attacks on the World Trade Center in New York, the Bush Administration drafted and approved the Patriot Act, a law that allowed the US Government to use the technologies at their disposal to conduct surveillance and intercept communications from individuals without a warrant. This caused significant controversy on the grounds it put people’s constitutional rights at risk.

**Breaking point**

However, the biggest escalation in controversy can be found between 2010 and 2013, with the revelations made by Wikileaks and Edward Snowden; the latter, in particular, revealed the existence of massive surveillance programs that were being carried out by the US in collaboration with the UK, Canada, Australia and New Zealand, in what was called the “Five Eyes” initiative. The National Security Agency was dedicating human and technological resources to collect massive amounts of data not only from American citizens, but also from world leaders (such as Dilma Rousseff and Angela Merkel) and UN officials, and in the process, was obtaining information from other countries’ intelligence services overseas.\(^7\)

The revelations of the Snowden files caused great chaos in the international sphere: some world leaders and politicians saw their relations strained because of said discoveries. The Heads of these governments involved quickly came forward to offer explanations, often naming ‘national security’ and ‘prevention’ policies as the reason for these programs.\(^8\)

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\(^7\) OpCit, n.3

\(^8\) Ewan Macaskill and Gabriel Dance (2013) “NSA Files: Decoded”, Available at: [https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/1](https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/1), Accessed on 31/10/16
However, the ‘Five Eyes’ operation countries were not the only ones found guilty of using technology to invade other nations’ privacy: China is one of the countries most often accused of hacking outside its’ borders (India, Taiwan), as well as the Democratic People’s Republic of Korea, Pakistan and Cyprus\(^9\).

**Aftermath**

The programs revealed by Snowden started a conversation unheard of before: a discussion on technology and privacy, and the governments’ legitimacy in surveillance activities. Public protests were carried out; companies who shared their data with government agencies were largely criticised; and a new public poll in 2013 showed American citizens were now more worried about civil liberties than about terrorism\(^10\). In the EU, the European Commissioner for Home Affairs, Cecilia Malmström, declared “mutual tryst and confidence have been seriously eroded”\(^11\). These feelings were echoed all over the world, particularly in countries like Brazil, Indonesia, but also Russia and Turkey whose diplomats had been spied on during the G-20 summit in 2009\(^12\).

Pre-existing legislation from the United Nations and the EU observed the interferences discovered by Snowden as espionage, and therefore, as illegal activity...
against the fundamental right to privacy (the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and the European Convention on Human Rights). While some countries also had pre-existing legislation against espionage (such as India’s 1923 Official Secrets Act), there are also cases of nations with laws that allowed for it (South Africa’s General Intelligence Law Amendment Bill and Pakistan’s Fair Trial Act of 2012, for example)\(^\text{13}\).

Despite the public dislike for them, in many countries the programs were kept running. In October 2013, the European Council issued a statement signed by the 28 leaders highlighting the importance of intelligence gathering in the fight against terrorism, and German Chancellor Angela Merkel even proposed the creation of an intelligence service to “beat” the NSA and the GCHQ\(^\text{14}\).

By contrast, the UN General Assembly adopted in December of the same year resolution 68/167 on “the right to privacy in the digital age”, reaffirming the existence of this right and calling upon all states to respect the right and take measures to put an end to violations. Reports were made on the matter, and panels for discussion were established, until Resolution 28/16 appointed a 3-year special rapporteur on the right to privacy to report on alleged violations on the right. The latest report was published on March 8th, 2016 (A/HRC/31/64) in the 31st session of the Human Rights Council\(^\text{15}\), in


which it was highlighted the obstacles in lacking an international official definition of privacy, as well as praise for legislation that tightened restrictions on surveillance projects and backdoors.

In the meantime, the Obama administration and the NSA defended their program as a crucial tool for counterterrorism. The Patriot Act, though practically expired and updated on more restrictive terms, was renewed in 2015 and still stands in the United States, as well as some of the programs that were revealed by Snowden (in particular PRISM).

Statement of the Problem

In Europe, many countries have taken the initiative of creating their own new surveillance laws, such as Poland, Switzerland, the UK and the Netherlands. However, these new laws fall under the scope of the European Court of Human Rights, whose rulings on possible violations of privacy could potentially change the tendencies in legislation.

New surveillance laws are not only a tendency in Europe and the United States, but all over the world. A recent report by Privacy International showed Central Asian countries Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan had adopted surveillance regimes similar to those of Russia, some of them with the help of Israeli technology companies — the same companies that have also provided countries like Nigeria with an extensive surveillance system16. Additionally, Privacy International has also reported the sale of British surveillance technologies in Uganda, where they were used against political opposition17. The Ugandan surveillance operation, in particular, was used to gather critical information to later blackmail them, under the pretext they were “dangerous to national security” –

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16 Edin Omanovic (2014) “Private Interests: Monitoring Central Asia”, Available at: https://www.privacyinternational.org/node/59, Accessed on 31/10/16
however when asked about the program, the Ugandan Government denied its existence.  

Ethiopia, Nigeria, and Sudan have also recently been found to carry out government surveillance. Meanwhile, countries that have allowing, pre-existing laws, remain carrying out major surveillance. Countries like Singapore and Russia are legally allowed to intercept communications of their citizens without them knowing about it. The latter now having one of the most permissive laws in the world since July 2016, the anti-terrorist “Yarovaya package”. Although this particular law has been almost impossible to implement, the project has seen considerable opposition in Russia, with online petitions to overturn it and several protests across the country.

Current Situation

Advances in technological developments have drastically altered the rights of each individual to privacy. By amplifying the voices of human rights defenders and promoting democratic participation, technological developments have allowed for drastic improvements in political participation in parts of the world where governments use repression and violence to stop political participation.

However, with technological improvements, governments and private individuals have been able to use mass surveillance technologies to find out information which would typically infringe the right to privacy present in Article 12 of the UN Declaration on Human Rights which

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18 ibid
states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence”\(^{21}\).

The recent trend in numerous countries to survey their populations with the excuse of preventing violence from terrorist groups has allowed governments worldwide to monitor the activity of their citizens online. The violation of digital rights has led to abuses in the physical world, “such as arbitrary detention and forced disappearances”\(^{22}\). The legality behind these actions will depend from state to state. Practitioners have noted the importance of monitoring systems in order to be able to gain evidence of supposed abuses with regards to freedom of expression and rights to privacy\(^{23}\).

Recent scandals in the United States and the United Kingdom, in which vast amounts of data is collected on millions of citizens, demonstrate the need for governments to be open and transparent about the data that they are collecting and for what purpose\(^{24}\). In a list compiled by Reporters without Borders, it is noted that the governments of numerous countries have implemented censorship and surveillance online. From Vietnam and China to Russia, the United Kingdom and the United States, mass surveillance units has been used to find out vast arrays of information on citizens, with, or without the help of private companies such as Google, Apple and Microsoft\(^{25}\). Tech corporations might very well be forced by governments to share information if legislation is passed against encryption. A good example of this is the


\(^{23}\) ibid

\(^{24}\) ibid

case between the FBI and Apple in which Apple refused to unlock a phone which had been left by the San Bernadino shooter\textsuperscript{26}.

These mass surveillance methods have been used by both democratic countries and authoritarian regimes. The NSA whistle-blower Edward Snowden demonstrated to great effect that even democratic countries have used spying techniques on their own citizens, techniques that are also used by countries like Iran, China, Turkmenistan, Saudi Arabia and Bahrain\textsuperscript{27}. From the NSA in the United States, to GCHQ in the UK, the excuse of National Security has been used without the need to ask a judge for legal permission. For example, in 2013, France adopted the “Military Programming Law” in December 2013 which allows French authorities to use internet communications and spying on mobile devices without the need to ask a judge\textsuperscript{28}. The vagueness of this law and many other laws such as the so called “Snoopers Charter” in the UK has given governments widespread powers to intrude on the privacy of individuals\textsuperscript{29}.

In authoritarian countries, these techniques have been used to stop dissent. For example, in China, authorities cut internet access for more than 48 hours to stop the circulation of reports that members of the Chinese Communist Party were using offshore tax havens\textsuperscript{30}. Similarly, on the 25\textsuperscript{th} of September 2013, the government in Sudan cut off internet access to the entire country for 24 hours to stop the organisation of protests.

The presence of vague definitions for what constitutes a crime on the online realm has resulted in the imprisonment of numerous journalists and human rights activists globally. In Bangladesh for example, four bloggers and the secretary of the human

\textsuperscript{26} Danny Yardon (2016) “FBI confirms it won’t tell Apple how it hacked San Bernardino shooter’s iPhone”, Available at: https://www.theguardian.com/technology/2016/apr/27/fbi-apple-iphone-secret-hack-san-bernardino, Accessed on 27/10/16
\textsuperscript{27} ibid
\textsuperscript{28} ibid
\textsuperscript{29} ibid
\textsuperscript{30} ibid
rights NGO Odhika were arrested under the definition of digital crimes which states “publishing fake, obscene or defaming information in electronic form”, an exceedingly wide and vague definition\textsuperscript{31}.

This situation is likely to continue for a long time, as communication technologies continue develop on a drastic scale, governments will also be allowed to survey the actions of their citizens with increasing frequency and accuracy. This has made the need for legislation which limits or provides remedies to victims of internet espionage.

**Bloc positions**

While the Human Rights Council has discussed surveillance and other internet issues on a regular basis, numerous countries have publically stated their support for a free and open internet in the council. However, these same countries have passed draconian laws which have allowed them to survey their citizens on a massive scale. This has meant that while a public position on human rights and technological development is easily available, this public position is contrary to the domestic legislative actions of the country.

In the third committee of the General Assembly, SOCHUM, Brazil’s representative to the United Nations stated that “human rights should prevail irrespective of the medium and therefore need to be protected both offline and online”\textsuperscript{32}. While the committee passed the resolution without a vote, it was noted international human rights mechanisms need to be improved to ensure the privacy and freedom of expression threatened nationally and internationally by mass surveillance activities conducted by the United States\textsuperscript{33}.

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\textsuperscript{31} ibid
\textsuperscript{33} ibid
**Questions a Resolution Should Answer**

- What practical measures can member states have to ensure that the private rights of their citizens are protected whilst considering growing security concerns?
- How can individuals ensure that their rights to privacy are protected against large scale government programs?
- Is it possible for the UN to protect the right to privacy of individuals without encroaching upon national sovereignty?
- How can the internet be kept free and open whilst considering individual privacy concerns?
- How can governments protect their civilians without encroaching their privacy online?

**Sources**


Danny Yardon (2016) “FBI confirms it won’t tell Apple how it hacked San Bernardino shooter’s iPhone”, Available at: https://www.theguardian.com/technology/2016/apr/27/fbi-apple-iphone-secret-hack-san-bernardino, Accessed on 27/10/16

Edin Omanovic (2014) “Private Interests: Monitoring Central Asia”, Available at: https://www.privacyinternational.org/node/59, Accessed on 31/10/16


Ewan Macaskill and Gabiel Dance (2013) “NSA Files: Decoded”, Available at: https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/1, Accessed on 31/10/16


Topic B: The situation of human rights and fundamental freedoms of indigenous people

Introduction

There are approximately 370 million indigenous people, living over 70 countries. Despite being such a numerous group, no definition of ‘indigenous people’ has been adopted by the UN. As defined by the UN Special Rapporteur on Prevention of Discrimination and Protection of Minorities, indigenous people are “those which having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories.” Article 33 of the United Nations Declaration on the Rights of Indigenous Peoples stresses the importance of self-

identification and self-creation of identity - that indigenous peoples themselves define themselves as indigenous\textsuperscript{36}.

Indigenous peoples from the Americas (ex. the Lakota in the USA, the Mayans in Guatemala or the Aymaras in Bolivia), the Aborigines and Torres Strait Islanders of Australia and the Maori of New Zealand are some that have retained the most distinct identities\textsuperscript{37}. Despite being a culturally, religiously and ethnically diverse group, indigenous people from around the world share common problems such as lack of political representation and participation, economic marginalization, poverty, lack of access to social services and discrimination. Considering the close ties between indigenous peoples' cultural and economic situation and their environment, indigenous rights are linked with problems such as climate change or sustainable development\textsuperscript{38}.

Indigenous people are arguably one of the most marginalized and disadvantaged groups;\textsuperscript{39} hence the need for increased protection and recognition of their rights and fundamental freedoms.

**History of the Problem**

Since the time of the first colonization or occupation, indigenous peoples have documented histories of resistance, demonstrating their determination to preserve their identities\textsuperscript{40}. As the settler population grew more dominant and with the creation of states, established authorities became less inclined to recognize their sovereignty and rights\textsuperscript{41}.

\textsuperscript{37} Anaya, S. James (2004). *Indigenous Peoples in International Law.* (OUP) 24/10/16
\textsuperscript{38} ibid
\textsuperscript{39} ibid
\textsuperscript{40} Permanent Forum on Indigenous Issues (2009) “State of the Worlds’ Indigenous Peoples” 24/10/16
\textsuperscript{41} ibid
The issue of rights of indigenous people has gained recognition in international organizations since the creation of the League of Nations. Article 22 of the Covenant of the League of Nations sets out the duty of member states to protect the well-being and development of the indigenous population. "Indigenous population" referred to people living under colonial domination.

Establishment of the United Nations and its primary goals: maintenance of peace, security, social and economic development created the prospects of further prospects for the protection of rights of indigenous peoples. However, until the 1960’s, the rights of indigenous communities received very little international attention.

Decolonization, the creation of new states in Africa and general development in the civil society spurred the growth of indigenous peoples’ organizations. In 1972, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities launched a Study on the problem of discrimination against indigenous populations, known as “the Martínez-Cobo study”. The study looked at issues affecting indigenous people, such as education, housing, and health. It highlighted, that despite the fact that in many countries indigenous people did not face any legal (de jure) obstacles such as land ownerships, de facto there where many economic and social factors impeding their enjoyment of their rights with indigenous people.

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42 The Covenant of the League of Nations (1919) Accessed on 24/10/16
being largely considered to be amongst the poorest worldwide and societies excluding them from decision making processes\textsuperscript{45}.

\textit{National Protection}

Over the last two decades, an international movement for the protection of fundamental rights of indigenous peoples has been pushing for increasing both international and national level protection. In 1997, a ground-breaking report by the Australian Human Rights Commission disclosed that up to the 1970’s, welfare officials have forcibly taken many 50,000 indigenous children away from their families\textsuperscript{46}. Some of the report recommendations included repatriation of the forcibly removed children, providing funding for indigenous agencies to facilitate family reunification, and adoption of laws and policies preventing forcible removal\textsuperscript{47}. The children mentioned in the report have been commonly referred to as the Stolen Generation. The findings of the report, following the uncovering of similar efforts of forced assimilation in Canada and New Zealand brought international attention and pressures on those states to adopt national legislation to protect indigenous peoples\textsuperscript{48}.

\textit{International Protection}

Between 1984 and 1993, indigenous began gaining increased recognition. The establishment of the UN Voluntary Fund for Indigenous Populations (1985), the adoption of ILO Convention No. 169 on Indigenous and Tribal Peoples in

\textsuperscript{47} ibid
Independent Countries (1989), the proclamation of the International Year of the World’s Indigenous People (1993) preceded the adoption of the UN Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP was adopted by the General Assembly on September 13 2007, after over a decade of consultations and drafting. It was adopted with 143 in favour and 4 against (Australia, New Zealand, Canada and the United States).

**Timeline**

- **1983**: Working Group of Indigenous Populations begins drafting the UNDRIP
- **1993**: International Year of the World’s Indigenous People
- **2001**: Commission on Human Rights appoints Special Rapporteur on the Rights of Indigenous Peoples
- **2000**: United Nations Permanent Forum on Indigenous Issues
- **2007**: UN General Assembly adopts UNDRIP

**Statement of the Problem**

The United Nations and various indigenous peoples’ organizations have been working towards increasing awareness of problems faced by the community worldwide.

**Minority rights/Indigenous peoples rights**

According to the previously mentioned definition, indigenous people consider themselves distinct from other sectors of society. One of the problems arising in the area of protection of their rights is whether they can be classified as a minority. Many modern states associate minority rights with nationalities, which together with the absence of a concise legal definition of ‘indigenous’ can create a legal gap in enforcement of rights protection.\(^49\)

Poverty

A statement adopted by the Committee on Economic, Social and Cultural Rights, recognizes that poverty constitutes a denial of human rights and prevents individuals from the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. Globalization and economic developments are main factors, which deprive indigenous people of their land and resources, thus pushing them into poverty. Indigenous peoples are more severely affected by environmental and social crises, which make them increasingly vulnerable. Their development is commonly sacrificed by states for economic growth. This is seen particularly in cases where states decide to sell their land for the exploitation of natural resources as commonly seen in the Amazon rainforest.

Development

In different regions, different measures have been taken to facilitate indigenous peoples economic and social development, from poor literacy rates to a lack of employment of indigenous people. Despite Latin America’s recent immense reduction of poverty, it has not changed significantly among the indigenous peoples.

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population. One of the major challenges faced by both developing and highly developed states is balancing the preservation of identity and traditional living environment and customs with economic growth and urbanization. Indigenous people face problems arising from lack of access to quality education and healthcare. Quality of education impacts their future job prospects and earnings. According to the ILO, indigenous people in Latin America earn approximately 25%-50% less than their counterparts, their unemployment rates are higher worldwide.

Political participation and representation

Political participation of indigenous peoples tends to be significantly lower due to two factors: politicians creating laws which specifically stop the participation of indigenous groups and the often remote areas where indigenous people live render voting in elections difficult. The creation of post-colonial democracies in Latin America (Bolivia, Peru, Ecuador) presents both opportunities and challenges for indigenous communities. In theory, they are able to participate politically. However, it is indigenous peoples themselves, who are aware of the unique challenges they face. Increasing political participation and representation in national bodies would

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allow the creation of more inclusive policies\textsuperscript{55}.

\textbf{Discrimination}

The Martinez-Cobo study found, discrimination is one of the main threats to the existence of indigenous peoples. Indigenous peoples can face discrimination on the basis of race, religion, and ethnicity or just as a minority. They are more vulnerable to discrimination than for former national minorities, as they do not have any outside authority to gift them additional protection\textsuperscript{56}. Moreover, indigenous women face problems of so called combined discrimination, based on their gender and belonging to a certain indigenous community\textsuperscript{57}.

It should be noted that the framework for the protection of their rights is a relatively new addition to the UN system, many measures which are promoted in the UNDRIP have not yet been effectively executed.

\textbf{Current Situation}

Presently around the world, there are currently more than 5,000 different indigenous groups which in turn speak more than 4,000 languages\textsuperscript{58}. While all of these different groups share different customs, religions and cultures, many of them face the same problems. From the removal of their lands by force, physical attacks and also denials of their culture. Indeed, many groups worldwide face widespread discrimination and marginalization on an economic and legal level.

While groups like Amnesty International and the International Work Group for Indigenous Affairs collaborate with indigenous peoples to ensure their rights, many

\textsuperscript{56} United Nations Permanent Forum on Indigenous Issues, Fifth Session, \textit{Fact Sheet 1: Indigenous Peoples and Identity} 27/10/16
of the essential problems which these groups face are due to the lack of education and knowledge of the rights of indigenous people. Similarly, governments often lack the will and legal framework to protect their rights with the possibility of larger economic gains by selling the land of indigenous people and forcing them to relocate from their ancestral homes.

On top of the lack of fundamental rights for indigenous people, estimates by the World Bank state that while indigenous people make up 4.5% of the world’s population, they account for 10% of the world’s poor – with 80% of them in Asia.\textsuperscript{59} Indeed, the report produced by the World Bank rightly noted that there is no global source or database which gathers all of the information on indigenous groups. Considering that poverty is a nuanced concept, it is vital to have the most amount of information possible considering all groups globally.

The World Bank similarly compared the quality of life of indigenous people to the lives of the general population and not surprisingly found that the lives if indigenous people are far inferior. In Asia, the World Bank used indicators based on the Millenium Development Goals, in particular, under-five mortality and male literacy among others. In India, all of the indigenous groups which are registered under the Scheduled Tribes scheme have uniformly worse living conditions than the national average.\textsuperscript{60} Indeed, from the Hill Tribes in Thailand to the BaNa peoples of Vietnam, access to water sources are amongst the worst in the region and the worst literacy rates in Asia are found with the Hmong people of Vietnam and Laos.\textsuperscript{61} While this might seem like a regional problem, this is also the case globally.

All of these factors are also not helped by the conflict over the land and resources of indigenous people. The conflicts which affect indigenous peoples can be traced back

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\textsuperscript{60} ibid
\textsuperscript{61} ibid
to long-standing discrimination originating with the context of colonization. Indeed, while many indigenous groups are poor, they live on ancestral lands that are rich in natural resources as noted by Victoria Tauli-Corpuz, the UN Special Rapporteur on the rights of indigenous peoples. The violence on indigenous groups is amplified by the fact that forced displacements and the destruction of their culture often causes irreparable damage to indigenous communities.

Indeed, the crimes against these groups are similarly multiplied by the fact that they can often not find effective legal representation or remedies in legal systems that are heavily stacked against them. One needs to simply look at the list of atrocities against the Aboriginal Australians which were often state sponsored to see that remedies to mass violence are hard to come by. While the United Nations Declaration on the Rights of the Indigenous Peoples of 2007 states in article 30 that military activity shall not take place in the lands or territories of indigenous peoples, and article 10 affirms that indigenous people ‘shall not be forcibly removed from their land or territories’ in practice this is far more difficult to enforce.

Indigenous people regularly experience the brunt of armed conflicts. From India and Myanmar to Colombia, armed conflicts have affected indigenous people in numerous ways. Certain indigenous people have joined armed groups because these revolutionary or guerrilla movements are able to gain sympathy and aim to address some of the problems that indigenous groups face, from poverty to the lack of basic social services. From the point of view of indigenous people, revolutionary movements might well be capable of protecting them from abusive governments, police forces or military.

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65 Supra, Victoria Tauli-Corpuz
On the other hand, other indigenous groups remain neutral and aim to stay away from armed groups. However, this often results in their communities becoming centres of armed operations which then result in their forced displacement. A good example of this is found in Colombia. Whilst the Colombian constitution recognises the rights of indigenous peoples, the ongoing conflict with FARC, the ELN and numerous criminal groups has resulted in the wide spread targeting of indigenous groups on both the side of rebel groups and the government\textsuperscript{66}.

Another example of this can be seen in the Philippines where it is estimated that around 10 to 20% of the population is formed by indigenous groups. The constitution of the Philippines has also recognised the rights of indigenous people. However, a decades long conflict between the Government and the New People’s Army has resulted in the deaths of tens of thousands of indigenous peoples as reported by the Internal Displacement Monitoring Centre\textsuperscript{67}.

The numerous challenges that these groups face, from human rights violations to forced displacement truly destroy communities that have lived in the same areas for thousands of years. It is your challenge as a delegate of the United Nations Human Rights Council to come up with effective solutions to protect their rights.

**Bloc positions**
This section will highlight which countries were against the UN Declaration on the rights of indigenous peoples so as to get a good understanding of the numerous country positions.

**Countries opposing the Declaration**

\textsuperscript{66} ibid
Numerous African countries attempted to alter the Declaration\(^{68}\), joining a group of powerful countries which opposed the Declaration with large indigenous populations, including Canada, the US, Russia, New Zealand, Australia and Colombia. The countries that voted against the Declaration said that they could not support it due to concerns over provisions which addressed issues of self-determination, land and language rights\(^{69}\). It is also important to mention that many of the countries that initially did not support the declaration have since reversed their position.

**Countries supporting the Declaration**

A large variety of countries supported the declaration along with all of its facets. Peru, Argentina, Sweden, Brazil, India and Indonesia among others noted the importance of extending human rights to all individuals, regardless of ethnicity, culture or language. In particular, many countries with large indigenous populations noted that the Declaration in many ways extended already existing rights to indigenous people that have already been guaranteed to colonial powers\(^{70}\).

**Questions a Resolution Should Answer**

- How can the rights of all indigenous be ensured and protected against political and legal discrimination?
- Have current UN efforts been successful, if so how?
- How can the countries with the most amount of indigenous people ensure the fundamental rights of all indigenous people?
- How do war and ethnic conflicts effect indigenous people?

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Has the UN Declaration on the Rights of Indigenous People helped in protecting the rights of indigenous people?

**Sources**


The Covenant of the League of Nations (1919) Accessed on 24/10/16


United Nations Development Program (2013) Intercultural Citizenship – Contributions from the political participation of indigenous peoples in Latin America Accessed on 25/10/16


Conference Information
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Please follow updates from us through our social media channels:

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When tweeting about this year’s conference (your preparations, journey to/from London or when live-tweeting the events during the conference itself) -

- please use hashtag #LIMUN2017

Agenda & Rules of Procedure
The agenda for the 2017 conference is available online at www.limun.org.uk/agenda

Since its 17th session last year, LIMUN has introduced changes to its Rules of Procedure. The revised Rules can be accessed here: http://limun.org.uk/rules