

RUMUN Rutgers Model United Nations

The Institute for Domestic and International Affairs, Inc.



United Nations Environmental Programme

Environmental Rights for Indigenous Populations



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Policy Dilemma

The debate over the environmental rights of indigenous people originates from their forcible expulsion from traditional lands during colonialism. The world feels the effects of colonization even now, in the forms of economic disparities, unstable regimes, and unfair distribution of natural resources. Indigenous groups once felt the force of oppressive policies that deprived them of their humanitarian and economic rights, and so former colonial empires often feel the need to make reparations for their actions now. As a result of colonization, however, indigenous communities are still among the poorest and least developed in the world today due to a continued loss of land. The international community, in recognition of the indigenous people's loss of traditional environmental rights, now urges states to make repartitions and protect current indigenous lands from squatters, pollution, and industry.

Oftentimes, there exists contention over how much land is due to each tribe, and what specific land is to be given. Some tribes receive resource-rich lands, while others do not receive any land at all. Questions arise over how the land will be governed, either by the indigenous or by the state governments. Additionally, after land is granted, some critics question the legality of indigenous leaders selling of land to produce revenue. Any proposal to grant land claims to indigenous people, it seems, is controversial. The international community is therefore more involved than ever in regulating and solving the debate over the preservation of indigenous community land.

Different actors give governments both praise and criticism in the decision of to whom and how land is to be distributed. Non-governmental organizations (NGOs) that represent indigenous groups lobby in favor of land distribution to different tribes. Neighboring states often speak out against allotting land to tribes, as it could cause a land claim within their own borders. Business interests are divided between supporting indigenous land claims and decrying them. By supporting land claims, business interests can win development contracts with the tribes. Conversely, due to limited development contracts, many businesses lose investment opportunities as well. There are several

different actors are involved in the final decision making process.

One solution to the dispute over the indigenous land claims is that each claim should be addressed on an individual basis, without the interference of the international community. This option is popular in the United States. Other opinions suggest that by granting land to indigenous peoples, the government undermines the cohesion of the population as a whole, and governments should avoid awarding land rights. This option is popular in Canada. Environmentalists suggest that granting land rights to indigenous claims would help preserve the environment and so they promote land grant measures in environmental legislation. This option is popular in South and Latin America. Some groups claim that it is incumbent on governments to allocate land because development, pollution, and racism drove indigenous peoples away from the native land. These groups suggest restoration of land or monetary compensation for indigenous peoples, and are some of the most vocal in the entire debate.

Chronology

26 June 1957: ILO's Indigenous and Tribal Populations Convention

Ratified on 26 June 1957, the International Labour Organization's Indigenous and Tribal Populations Convention recognized land rights of indigenous peoples, including the right to have access to land and water free of pollution, and to traditional agrarian planning.¹ Yet, for all of the Convention's progressive insight into land rights, it proved to be very ineffective. First, the Convention touted the eventual assimilation of indigenous populations into modern society.² Therefore the lands rights recognized by the Convention were temporary. Second, due to the ambiguous wording of Article 14, governments still maintained control over indigenous lands and communities were merely allowed to "occupy" said lands.³ The document, along with its interpretations, served only to undermine its ideas and intent.

¹ Gerard Schulting. "ILO Convention 169, Can It Help?" Abya Yala News Online. Journal of the South and Meso American Indian Rights Center. <http://saic.nativeweb.org/ayn/schulting.html>

² Ibid.

³ Ibid.

15-18 September 1981: International NGO Conference on Indigenous Peoples and Land

Organized by the NGO Sub-Committee on Racism, the International NGO Conference on Indigenous Peoples and Land published a 1981 report detailing the issues and concerns of indigenous people. On the report were land and environmental rights especially, as well as the legal standing of indigenous nations in treaties. Five major indigenous peoples' organizations participated, including the International Indian Treaty Council, the World Council of Indigenous Peoples, and the South American Indian Council (CISA).⁴ In addition, more than one hundred fifty NGOs attended, fifty of which were with ECOSOC status.⁵ Strikingly, at this conference, numerous militant organizations like the Palestinian Liberalization Organization (PLO), and Southwest Africa People's Organization (SWAPO) participated, driving away many government delegations.⁶ At the same time, Cold War politics prevented other government delegations from participating.

Those in attendance at the conference realized the need for a binding Indigenous People's Bill of Rights. The overarching theme of the final report, published at the conclusion of the conference, reaffirmed the indigenous people's rights to self-determination and their right to live on traditional lands.⁷ No mention was made in the initial report in reference to public degradation of indigenous lands, however. Taking ideas from other meetings, the conference published a list of preliminary rights to be discussed. The conference chose to address groups largely ignored by previous legislation, namely those not recognized as nations.

Under international law, for an indigenous group to be considered a nation, it must have a permanent population, a government, ability to enter negotiations with other states, and a defined territory. For many groups, the land clause prevented international protection in past legislation. The document states that those indigenous groups who do

⁴ Dunbar-Ortiz, Roxanne. "The First Decade of Indigenous Peoples at the United Nations," *Peace and Change*, Vol. 31, No.1 January 2006, 67.

⁵ IBID

⁶ IBID.

not meet the terms of nationhood are still entitled to the document's protections. Those indigenous groups with land, however, championed Articles 8 and 11 in particular, as the articles protect land from the state and from all forms of public pollution. The conference sought to restart a dialogue which had largely been ignored for some twenty years. The list of rights established here began as the springboard for future legislation.

Summer 1992: Earth Summit of 1992

The 1992 United Nations Earth Summit took place in Rio de Janeiro, Brazil and brought indigenous rights to the environmental stage through the aid of media and NGOs. The Earth Summit aimed to promote environmental protection, drawing global supporters to the cause. Indigenous groups, most notably the Yannomamai and Kayapo tribes indigenous to Brazil, fighting since the 1960s to promote environmental sustainability in the wake of state and squatter development of tribal lands,⁸ were originally excluded from the proceedings. As a result of international protest, the organizers of the conference decided to allow a prominent Kayapo Indian leader, Raoni Metyktire, to attend.⁹ Criticism continued as the UN organizers excluded other groups, however. Environmentalists at the conference viewed these groups as stewards of land and allied themselves with indigenous leaders to fight for land rights and against pollution of tribal lands. This was the first time that an international conference focused on environmental rights paid such close attention to the land rights of indigenous peoples, and in fact championed the rights of indigenous leaders to attend the world forum.

1 January 1994- Present: Zapatista Movement in Mexico

In 1994, the largely indigenous based Zapatista militant social movement began, in direct reaction to the enactment of the North American Free Trade Agreement (NAFTA). The Zapatista Army of National Liberation or *Ejército Zapatista de Liberación Nacional* (EZLN) originated in Chiapas, the poorest state of Mexico. The

⁷ IBID

⁸ Terrance Turner. "The Role of Indigenous Peoples in the Environmental Crisis: Examples of the Kayapo of the Brazilian Amazon," Johns Hopkins University Press, 1993.

⁹ Amazon Diary

EZLN feared that NAFTA would serve to only intensify poverty in the region. Though armed, EZLN more actively uses civil disobedience, the internet, and a collection of self-created social services and local government positions to further their cause. At that time most land was in the control of a small percentage of former colonial empowered elites. As such, being mostly a peasant movement, the EZLN advocated, among other things, the need for land reform.

In Mexico alone, there are fifty-six acknowledged indigenous groups, with over sixty-two languages still in use today.¹⁰ Despite being an indigenous dominant group, however, EZLN does not advocate for land redistribution to indigenous groups. EZLN instead promotes land ownership by the peasants who work the land. EZLN saw the organization of indigenous groups transform into a social movement with the support of millions of people, and proved that issues of land ownership did not root from solely an ancestral claim on land, but instead on a concept of rights awarded to those who lived and worked the land.

1995-2004: International Decade of the World's Indigenous Peoples

The United Nations, in 1994, declared the beginning of International Decade of the World's Indigenous Peoples to last from 1995-2004. The International Decade of the World's Indigenous Peoples reaffirmed the commitment of the United Nations to work toward human development.¹¹ This event served to highlight the effects of longstanding discrimination against indigenous communities around the world. Different organizations within the UN system, as well as NGOs, formulated development plans to improve access to healthcare, education, political representation.¹²

28 July 2000: EcoSoc Establishes UNPFII

In the year 2000, the United Nations Economic and Social Council established the United Nations Permanent Forum on Indigenous Issues (UNPFII.) UNPFII meets every

¹⁰ Gillette Hall and Harry Anthony Patrinos. "Latin America's Indigenous Groups" Finance and Development, December 2005.

¹¹ Roxanne Dunbar-Ortiz. "The First Decade of Indigenous Peoples at the United Nations," Peace and Change, Vol. 31, No.1 January 2006

year at the United Nations Headquarters in New York to address issues that affect indigenous communities. UNPFII is comprised of sixteen members, eight of which are elected by states every three years, and the other eight by indigenous groups in varying regions.¹³ The forum acts as a research and advising body to ECOSOC, while providing a medium for the discussion for indigenous communities in the international system.¹⁴ UNPFII also works to negotiate and create treaties between states and indigenous groups. Topics for discussion during the UNPFII convention include human rights, environmental rights, and improving social services, like education. The event also features cultural displays of art, dress, writing, and food. The creation of UNPFII gave indigenous people a permanent place within the United Nations System, solidifying their issues as ones of international importance.

13 September 2007: UNGA Passes DRIP

After year of polarizing debate and negotiations, the United Nations General Assembly passed the Declaration of Rights of Indigenous Peoples (DRIP). The process to create this declaration began in 1977, but started to make real inroads after the creation of UNPFII and subsequent lobbying. Hard-pressed negotiations allowed for many different issues and opinions to be addressed. The declaration approved by a vote of one hundred forty seven votes in favor, four votes opposed, and eleven abstentions. The Declaration includes affirmations of indigenous rights as human rights, right to self-determination, retention of individual cultures, and rights to traditional lands.¹⁵ Article 27 and Article 29 specifically reference the rights to indigenous lands and protection and aid from the state to prevent environmental degradation.¹⁶ Certain articles even allow for redress to be paid by states that remove indigenous people from or damage land. Though the most encompassing declaration to date, recounting arguments made for fifty years, DRIP does not detail methods available to bring accusations of abuse.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Declaration of Rights of Indigenous Peoples

¹⁶ *Ibid.*

Actors and Interests

The United States, Australia, Canada, and New Zealand

During the controversial negotiations over the creation of the Declaration of Rights for Indigenous Peoples (DRIP), states polarized on two sides of the issues. Most notably United States, New Zealand, Australia, and Canada found themselves fighting against the legislation and trying to block it at all possible points. Each state has relatively large and distinct indigenous populations like the Athabaskans and Inuit people of the United States and Canada. Many of these states also have existing agreements and treaties with their respective indigenous tribes. To approve DRIP, these states could potentially impact their abilities to manage their national resources. Traditional indigenous lands are oftentimes resource-rich in minerals, timber, oil, and other assets. For example, the traditional lands of the Aleut in Alaska are both oil rich and unexplored. In addition, many government and indigenous groups have long-standing treaties and agreements. The United States, New Zealand, Australia, and Canada would rather negotiate each case separately.

The United States, New Zealand, Australia, and Canada, having serious qualms with DRIP, claim that the United Nations is not the proper forum to discuss an internal issue such as indigenous rights.¹⁷ Canada in particular is very vocal on this subject. Since Prime Minister Stephen Harper's election in 2006, his Conservative party has adamantly lobbied against this declaration.¹⁸ United States, New Zealand, Australia, and Canada also take issue with an article that would potentially give indigenous groups the right to veto national legislation on resource management.¹⁹ United States, New Zealand, Australia, and Canada did not ratify the Declaration of Rights for Indigenous Peoples.

South and Latin America

Developing states in Latin America have been at the forefront of negotiations for

¹⁷ Gina Corsetino. "Canada Brings Fight Against Indigenous Rights to the UN," *Canadian Dimension*, Vol. 41 Issue 2, p19-21, 3p, 2007

¹⁸ *Ibid.*

¹⁹ "UN General Assembly backs Indigenous Peoples' Rights," *Agence France-Presse* 13 September 2007

indigenous rights. A World Bank report states that forty five million indigenous peoples , from over four hundred tribes, currently live in the Americas.²⁰ In fact, in Latin America indigenous populations compose up to 10 *per cent* of the total population.²¹ States like Brazil, Columbia, and Ecuador represent the opposite side of the spectrum from their developed counterparts, by changing legislation in their respective governments to allow for the inclusion of Indigenous Rights in their respective constitutions. These nations have also taken the initiative working to negotiate within the Organization of American States (OAS) for indigenous rights in addition to the United Nations.²² While most of these changes are recent, within the last fifteen years, these states' contributions to the campaign for indigenous rights are substantial.

In the mid-nineteen nineties Brazil negotiated with several prominent indigenous groups, after severe criticism from the international media, in order to preserve and protect indigenous lands from illegal land developers and mining companies.²³ Brazil, as well as other states, reaffirmed their alliance with indigenous groups to be a vital marker of their commitment to human rights.

High poverty and low education motivate Latin American states to support indigenous rights. Indigenous peoples in developing states compose high percentages of the impoverished and illiterate. Among the indigenous populations in Ecuador, for example, poverty rates range from 89 *per cent* to 96 *per cent*.²⁴ Loss of traditional lands due to development, violence, and lack of jobs force many people into the cities as “economic refugees.” States concerned with the rapid urbanization of their populations understand that their infrastructure cannot support such population migrations. By devoting their time and efforts to advocate for the environmental rights of indigenous groups, they lessen the stress on their dilapidating infrastructure and civil services. States hope that by allocating land to groups will allow them to, using sustainable development

²⁰ Amparo Trujillo. “Raising Awareness- Reaffirming Rights,” *Americas*, Vol. 58 Issue 6, p8-9, 2p. 2006

²¹ *Ibid.*

²² *Ibid.*

²³ Amazon Jungle

²⁴ Amparo Trujillo. “Raising Awareness- Reaffirming Rights,” *Americas*, Vol. 58 Issue 6, p8-9, 2p. 2006

tactics, provide for their people.

Problems within the established government systems for indigenous peoples still exist however. Not all tribes receive land grants; they instead lobby the government in hopes of receiving them.²⁵ Little protection from the public exists on tribal lands, making it easy for outsiders to mine and steal resources. Pollution and clear cutting are beginning to encroach on tribal land. Some tribes after receiving lands, siphon off land to be sold to loggers and miners in hopes of improving the economic situation of the tribe. This action often spawns protest from indigenous environmental rights supporters, as it is seen as a betrayal. Local leaders, non-indigenous, are pushing for greater government oversight in tribal affairs. Oftentimes there are limited medical supplies and facilities in rural tribal areas. Indigenous leaders buy the necessities with tribal funds, when possible, or allow missionaries into their communities. Even today there is a heavy reliance on traditional medicine, even to treat non-traditional diseases like influenza and AIDS.²⁶ Leaders are requesting further involvement of governments due to fears of epidemics sweeping rural and farming lands.

NGOs

Non-governmental organizations (NGOs) were vital to the introduction of indigenous peoples' rights on the international stage. Population approximations estimate the world population of indigenous people to be more than three hundred seventy million people.²⁷ Thousands of NGOs around the world, work to promote and represent indigenous rights and affairs in local, national, and international government, provide economic and medical assistance, and protect environmental rights. The Indigenous Peoples Restoration Network (IPRN) links NGOs, allowing them to combine and share their resources around the world especially on the subject of Tradition Ecological Knowledge. IPRN, founded in 1995 by Dennis Martinez as a branch of the

²⁵ Amazon Jungle

²⁶ *Ibid.*

²⁷ Gina Corsetino. "Canada Brings Fight Against Indigenous Rights to the UN," *Canadian Dimension*, Vol. 41 Issue 2, p19-21, 3p, 2007

Society for Ecological Research (SER), works to promote ecological preservation and traditional knowledge.²⁸ The organization acts as a clearing house for information of member groups, while also holding academic conferences of a wide range of matters. The organization believes that by supporting indigenous rights, it and its members will have vital partners in environmental protection.

IPRN's members all pledge their support for ecological preservation through support of indigenous rights. NGOs associated with IPRN deal with a range of issues, including medical research to language restorations. IPRN members work at local levels as well as international levels. IPRN boasts almost seventy international NGOs alone, including World Wildlife Fund.²⁹ Yet most members of IPRN are small, locally inclined members who use IPRN to aid their causes with information, international contacts, and to publish their case studies and work. Many of IPRN NGOs hold Environment, Economic, and Social (ECOSOC) status within the United Nations System.³⁰ Many other NGOs also participate in the annual UNPFII conference. IPRN manages membership to prevent militant or ultra-activists from joining to prevent undue affiliations with other group. Actors of IPRN work on every continent providing assistance to local groups. Groups lobby on behalf of Indigenous Groups and can also provide legal assistance to navigate and represent land claim and indigenous rights' abuse cases. These groups seek to aid indigenous groups while aiding the environment.

Possible Causes

Racism

Perhaps one of the largest contributing factors towards the issue of environmental rights for indigenous groups spawns from the undue amounts of racism, which many groups endure, dating back to colonialism. During colonial times, many imperial powers attempted to collect taxes from indigenous populations, press them into slavery, or wage

²⁸ <http://www.ser.org/iprn/history.asp>

²⁹ *Ibid.*

³⁰ *Ibid.*

war against native populations if they felt threatened.³¹ These antagonistic environments fostered hostile attitudes between colonizers and indigenous peoples. Colonizers engaged in what today would be seen as large scale genocide against varying populations.³²

Today in many regions where indigenous populations still live, there exists varying degrees of racism. Political disenfranchisement is popular; as such, indigenous groups often must rely on other means of political participation. Many indigenous tribes create or use NGOs to advocate their interests within local and national governments, as well as on the international stage. Still, as seen in South and Latin America where large percentages of the population are legally classified as indigenous, minimal political representation exists in the government for indigenous peoples. In the United States, though a person is legally classified as Native American with only one indigenous great grandparent, representation at both the local and national levels is limited. Lack of representation prevents involvement in issues, like environmental questions, which affects indigenous communities.

Competition for Resources

Competition for resources deprived many indigenous groups of their traditional lands. A driving force behind colonialism, want for mineral rich and fertile land caused many groups to be forced out to make way for mines, plantations, and wells. After the Spanish conquistadors found gold in South America, other European nations wanted to expand their treasuries as well and viewed colonialism as a means to do so. The trend changed however, to include more natural resources like fish, silk, lumber, metal ores, cotton, sugar, ivory, and tobacco.

Today, this phenomenon still exists and is the largest threat to environmental indigenous rights. In Brazil, the Yannomamai tribe routinely fights against mining

³¹ Jose Francisco Cali Tzay. "Discrimination Against Indigenous Peoples: The Latin American Context." UN Chronicle Vol. 44 Issue 3 Sept 2007.

³² Katherine Bischooping and Natalie Fingerhut. "Border Lines: Indigenous People in Genocide Studies." The Canadian Review of Sociology and Anthropology November 1996

companies and illegal squatters who exploit indigenous land for gold.³³ In the past, violence has occurred, started by both sides. In the early 1990s, a group of squatters attacked and killed three Yannomanis.³⁴ This crime in turn, spawned retribution from Yannomamai tribesmen. Another tribe in Brazil, the Kayapo, uses the competition for resources to their advantage, however. After receiving a land grant from the Brazilian government, the Kayapo leadership leased some land to a logging company.³⁵ Proceeds from this agreement went toward obtaining resources for tribal members including medicine, educational materials, road construction, and simple water purification methods.³⁶

Colonial Borders

By the close of the colonial era, at the end of the Second World War, the traditional western powers of France, the United Kingdom, Belgium, Spain, and the Netherlands had divided up, amongst themselves, most of South and Latin America, and Africa. In the eastern hemisphere, The United Kingdom, Japan, France, and to a lesser extent the United States, partitioned Asia. With the creation of the United Nations in 1949, it was understood that colonial aspirations would no longer be tolerated. States within the United Nations would, under the Trusteeship Council, guide former colonies toward the path of independent statehood. Former colonial powers overlooked at the time, however, the potential impact of the borders drawn during colonialism.

European powers, attempting to expand their empires cared very little for the traditional boundaries of the indigenous populations within their colonies. Instead, of greater concern, was competition between colonial rivals and the territories they amassed drove border negotiations. As such, colonial power drew borders, either along rivers and mountain ranges and other geographical features, or parallels of latitude of longitude. These superimposed restrictions often split indigenous tribes between many states. Each

³³ Amazon Diary.

³⁴ Ibid.

³⁵ Terrance Turner. "The Role of Indigenous People in the Environmental Crisis: The Example of the Kayapo of the Brazilian Amazon." *Perspective in Biology and Medicine* Volume 36 Issue 3, 1993.

³⁶ Ibid.

government had its own policy for approaching indigenous peoples; some states would try to relocate tribes to reservations like the British did in Tanzania with the native Massai population, other states would drive tribes from their land as was often the case in South and Latin America.

Colonial borders affect global security today. The Kurds of the Middle East, for example, are split between Turkey, Iraq, Iran, and Syria. Before European colonial rule by the British, under the Ottoman Empire the Kurds had basically their own rights as an independent state, overseen by the Ottomans. The Kurds are known as the largest nation without a state.³⁷ Now split among many states, many in the Kurdish nation feel that it is now time for their own independent state. Many militant factions within Iraqi Kurdistan are lobbying for their independence. Turkey is fearful that if Kurds were to gain their independence that a civil war would arise within their own borders. These fears have led to an increasingly militarized border.

Comparison of Causes

Racism, competition of resources, and colonial borders all have common aspects when it comes to being the cause of indigenous peoples lacking the environmental rights they feel they so richly deserve. Racism leads to resentment among indigenous tribes, and a lack of opportunity to gain more resources, which in turn leads to a more stringent approach at striving to retain the resources which indigenous people already have in their possession. Colonial borders hark back to a colonial mindset, which in turn feeds racism and that lack of opportunity. Without a hard look at all these causes, a solution will not be found.

Projections

The topic of environmental rights for indigenous peoples leaves much to speculation for the future. The recent passage of the United Nations Declaration on the Rights of Indigenous Peoples has yet to be tested. Many questions remain as to how to

³⁷ Michael Ruben. Are Kurds a Pariah Minority? Social Research; Spring2003, Vol. 70 Issue 1, p295-330

file a claim of violation, who will adjudicate the claim, and what penalties will be imposed. UNPFII is working to publicize important measures within the declaration to address these issues.³⁸ If left unaddressed or underutilized, legal precedents set by the DRIP will not be observed, and therefore ignored if a situation were to arise. Understanding how to use the new system to the benefit of troubled indigenous groups is vital for its success.

One of the most vital components of the DRIP addresses the issues of competition for resources within indigenous lands. According to Article Eight Subsection 2B “Governments shall provide effective measures against ... [a]ny action which has the aim or effect of dispossessing them of their lands, territories or resources.”³⁹ Drafters are optimistic that the creation of this piece of legislation will prevent the repossession of indigenous territories, and will safeguard against violence seen in the past. If however, the system proves to be complicated and difficult to wrangle, critics, namely international indigenous NGOs and committees, fear potential violence over such resources as water, political representation, and land could ensue.

Many NGOs and indigenous representatives hope that the passage of the United Nations Declaration of the Rights of Indigenous Peoples will usher in a new era of peaceful negotiations between national governments and their indigenous populations. Negotiations, they hope, will also aid the improvement of political representation and economic situations for many indigenous groups. For future relations to be beneficial for both parties, must be committed to the doctrines set forward by the Declaration of the Rights of Indigenous Peoples. DRIP approaches the issue of environmental rights tentatively. It does not detail what constitutes environmental degradation, or address punishments. A clear debate still exists of how to expand DRIP to be effective legislation.

³⁸ <http://www.un.org/esa/socdev/unpfii/>

³⁹ United Nations General Assembly, 61st-session. United Nations Declaration on the Rights of Indigenous Peoples. 2 October 2007 (Masthead).

Conclusion

The passage of the Declaration of the Rights of Indigenous Peoples marked a highpoint of the fight of indigenous peoples for environmental rights. The issue remains of how the rights reaffirmed by the Declaration of the Rights of Indigenous Peoples will be implemented and protected. The debate over the issue of environmental rights for indigenous peoples began at the 1992 Earth Summit, as indigenous NGOs lobbied for their involvement and recognition on the issue. Not long after, former Secretary General Kofi Annan declared the Decade of Indigenous Peoples, in order recognize and address issues brought forth by indigenous people's advocates. During the Decade of Indigenous Peoples, the United Nations created the United Nations Permanent Forum on Indigenous Issues (UNPFII) to officially hear debate on a broad range of indigenous topics. The most famed achievement of the UNPFII is the Declaration of the Rights of Indigenous Peoples passed by the General Assembly in September 2007.

Key actors in the debate over environmental rights include Developed States, Developing States, and NGOs. Developed States feel that giving veto power to indigenous groups on development projects that affect traditional land would be unwise and therefore did not sign the declaration. Developing States have been at the forefront of environmental rights for indigenous groups. NGOs advocate for various reasons on both side on the issue.

Origins of the issue of environmental rights for indigenous groups are rooted in racism, competition for resources, and colonial borders. Racism spawned from colonialism against indigenous groups, continues to be an issue even today in many national governments. The competition for natural resources drives racism and the obstruction of environmental rights of indigenous peoples. Imperial powers drew colonial borders without respect for the indigenous peoples; as such many groups were split into different states and are therefore treated differently by different governments. The Declaration of the Rights of Indigenous peoples solved many issues, but created even more. Unless the policy is implemented, the status quo will be maintained. If the status

quo is maintained destruction of traditional indigenous lands will continue and indigenous cultures will disappear.

Discussion Questions

- What types of pollution should be considered environmental degradations?
- What types of punishments should exist for offenders?
- How can the developed states of the United States, Canada, Australia, and New Zealand be brought into the Declaration of the Rights of Indigenous Peoples?
- In light of the Declaration of the Rights of Indigenous Peoples, who has jurisdiction over claims of abuses?
- What can be done to include indigenous populations in international debate?
- How can the debate over global climate change affect the status of indigenous populations?
- What can be done to better education indigenous populations of environmental legal rights?

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For Further Reading

Fasulo, Linda. "An Insider's Guide to the UN." Yale University Press, New Haven, 2004.

The book offers an easily understood map into the inner workings of the United Nations. This book provides an overview of pertinent UN organizations and to whom and how they relate. In additions, it explains in clear terms, key issues pertaining to the United Nations, and how they relate to its efficiency and effectiveness.

Tzay, Jose Francisco Cali. "Discrimination Against Indigenous Peoples: The Latin American Context." UN Chronicle Vol. 44 Issue 3 Sept 2007.

This article offers detailed accounts of Indigenous Peoples issues in Latin America, a vital front in the battle to obtain indigenous rights. This article details how discrimination against indigenous peoples has hampered past efforts in fighting for political, economic, and environmental rights.

United Nations Development Programme Website <http://www.undp.org/>.

As an issue discussed within the confines of the UNDP, it is vital to understand both the mandate and goals of the UNDP before addressing the issue. This site offers relevant information of human development, in a regional sense, while at the same time addressing indigenous rights. This website lays out indicators that are used to measure progress within any given community.

United Nations General Assembly, 61st-session. United Nations Declaration on the Rights of Indigenous Peoples. 2 October 2007 (Masthead).

The most recent legislation on the topic, The United Nations Declaration on the Rights of Indigenous Peoples, gives a framework for both the issues past and future. It states the given rights of indigenous peoples, creating legal precedent for its adherents.

United Nations Permanent Forum on Indigenous Issues Website

<http://www.un.org/esa/socdev/unpfii/en/structure.html>.

Recently expanded, this website, offers vast amounts of information, relevant to the subject that is both reviewed and published by experts on the issue. The website details both current and historical events relevant to debate.

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