UTMUN 2024

Sovereignty, Preservation, and Empowerment for Indigenous Representation

DIRECTOR
Harmanpreet Pahwa

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Contents

Equity Disclaimers

Throughout this committee, delegates will be engaging in complex debates and discussions covering a wide array of topics. As UTMUN seeks to provide an enriching educational experience that facilitates understanding of the implications of real-world issues, the content of our committees may involve sensitive or controversial subject matter for the purposes of academia and accuracy. We ask that delegates be respectful, professional, tactful, and diplomatic when engaging with all committee content, representing their assigned country's or character's position in an equitable manner, communicating with staff and other delegates, and responding to opposing viewpoints.

> **This Background Guide and Sovereignty, Preservation, and Empowerment for Indigenous Representation (SPEAR) presents topics that may be distressing to some Delegates, including but not limited to the following: Colonization, Residential Schools, Land Rights, Historical Forced Assimilation, etc.**

UTMUN recognizes the sensitivity associated with many of our topics, and we encourage you to be aware of and set healthy boundaries that work for you. This may include: preparing yourself before reading this background guide, seeking support after reading the background guide, or filling out the committee switch form beforehand. We ask that all Delegates remain considerate of the boundaries that other Delegates set.

UTMUN expects that all discussions amongst delegates will remain productive and respectful of one another. If you have any equity concerns or need assistance in setting boundaries or navigating sensitive subject matter or have any questions at all, please do not hesitate to reach out to our Chief Equity Officer, Harvi Karatha, at equity@utmun.org. We want you to feel safe and comfortable at UTMUN.

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Model United Nations at U of T Code of Conduct

The below code of conduct applies to all attendees of UTMUN 2024 for the entire duration of the conference, and any conference-related activities (including but not limited to committee sessions, conference socials, committee breaks, and the opening and closing ceremonies).

1. Harassment and bullying in any form will not be tolerated, the nature of which includes, but is not limited to, discrimination on the basis of race, national origin, ethnicity, colour, religion, sex, age, mental and physical disabilities, socioeconomic status, sexual orientation, gender identity, and gender expression,

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        i. The above prohibition on harassment, bullying, and inappropriate behaviour extends to any and all behaviour as well as written and verbal communication during the conference, including notes, conversation both during and outside committees, and general demeanour at all conference events;

        ii. UTMUN reserves the right to determine what constitutes bullying and/or inappropriate behaviour toward any individual and/or group;

    b. Attendees must not engage in any behaviour that constitutes physical violence or the threat of violence against any groups and/or individuals, including sexual violence and harassment, such as, but not limited to,

        i. Unwelcome suggestive or indecent comments about one's appearance;

        ii. Nonconsensual sexual contact and/or behaviour between any individuals and/or groups of individuals;

        iii. Sexual contact or behaviour between delegates and staff members is strictly forbidden;

2. UTMUN expects all attendees to conduct themselves in a professional and respectful manner at all times during the conference. Specific expectations, include, but are not limited to,

    a. Attendees must, if able, contribute to the general provision of an inclusive conference and refrain from acting in a manner that restricts other attendees' capacity to learn and thrive in an intellectually stimulating environment;

    b. Attendees must adhere to the dress code, which is Western business attire;

        i. Exceptions may be made on a case-by-case basis depending on the attendees' ability to adhere to the previous sub-clause;

        ii. Attendees are encouraged to contact Chief Equity Officer, Harvi Karatha, at equity@utmun.org with questions or concerns about the dress code or conference accessibility;

c. Attendees must refrain from the use of cultural appropriation to represent their character and/or country, including the use of cultural dress, false accent, and any behaviour that perpetuates a national or personal stereotype;

d. Delegates must not use music, audio recordings, graphics, or any other media at any time unless approved and requested to be shared by the Dais and/or the Chief Equity Officer, Harvi Karatha at equity@utmun.org;

e. Attendees must abide by instructions and/or orders given by conference staff, members;

   i. Attendees are exempt from this above sub-clause only if the instructions and/or orders given are unreasonable or inappropriate;

3. Delegates, staff, and all other conference participants are expected to abide by Ontario and Canadian laws and Toronto by-laws, as well as rules and regulations specific to the University of Toronto. This includes, but is not limited to,

a. Attendees, regardless of their age, are strictly prohibited from being under the influence and/or engaging in the consumption of illicit substances, such as alcohol or illicit substances for the duration of the conference;

b. Attendees are prohibited from smoking (cigarettes or e-cigarettes, including vapes) on University of Toronto property;

c. Attendees must refrain from engaging in vandalism and the intentional and/or reckless destruction of any public or private property, including conference spaces, venues, furniture, resources, equipment, and university buildings;

   i. Neither UTMUN nor any representatives of UTMUN is responsible for damage inflicted by attendees to property on or off University of Toronto campus;

   ii. Individuals will be held responsible for any damages.

4. The Secretariat reserves the right to impose restrictions on delegates and/or attendees for not adhering to/violating any of the above stipulations. Disciplinary measures include, but are not limited to,

a. Suspension from committee, in its entirety or for a specific period of time;

b. Removal from the conference and/or conference venue(s);

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Position Paper Policy

At UTMUN 2024, position papers are required to qualify for awards. Each committee will also give out one Best Position Paper award. Only delegates in Ad Hoc are exempt from submitting a position paper. To learn more about position paper writing, formatting and submission, please check out the position paper guidelines. Please read through the guidelines carefully as this page will describe content recommendations, formatting requirements and details on citations. If you have any questions about position paper writing, feel free to contact your Dais via your committee email or reach out to academics@utmun.org.

A Letter From Your Director:

Hello and welcome delegates to the Sovereignty, Preservation, and Empowerment for Indigenous Representation (SPEAR) committee for UTMUN 2024!

My name is Harmanpreet Pahwa, and it gives me tremendous pleasure to serve as your director for this committee this year. I'm a second-year student pursuing a specialization in Management and a minor in Economics, and have been involved in Model UN since 2019. Therefore, feel free to reach out to me in regards to any questions you may have, whether that be in regards to the committee topics, procedure or just to say hi!

I would now like to introduce to you two phenomenal and enthusiastic individuals, our Vice Director, Minha Park and Moderator, Sahej Saini. Minha is in her second-year double majoring in International Relations and History. And Sahej is in her second-year double majoring in Pharmacology and Physiology.

This year, SPEAR will focus on two main issues. Our first point of discussion is the protection and preservation of Indigenous knowledge systems, where we will discuss the preservation of traditional knowledge carriers and the incorporation of their expertise into modern institutions. Our second point of discussion is Indigenous self-determination and land rights, which will discuss Indigenous peoples' right and capacity to exercise self-determination over their land, cultures, and political and economic systems.

Away from the lens of Eurocentric views, our committee, SPEAR, concentrates on Indigenous rights that encourage action. We hope that in your attempts to research Indigenous rights from the standpoint of the country you represent, you will also pay attention to the stories, tales and oral advocacy that come from them.

Regardless of whether this is your first Model UN conference ever, the last of your high school journey, or something beautifully in between, I want you to know that your Dias for SPEAR is here for you every step of the way. So, if there is anything that your Dias can do to better your experience at UTMUN or offer advice on researching these topics, please let us know. I also hope that this background guide serves as an informative resource for you as you begin your research and will help guide you into the direction of our main issues at hand. We are very excited to meet you all and wish you all the very best for UTMUN 2024!

Regards,
Harmanpreet, Minha and Sahej

Definitions:

Sovereignty
A term that has often been used to refer to the absolute and independent authority of an individual, institution or nation (state) within a territory or international state system.[1]

International Law
A body of rules established by custom or treaty and recognized by nations as binding in their relations with one another.[2]

Colonialism
The policy or practice of acquiring full or partial political control over another country, occupying it with settlers, and exploiting it economically.[3]

Decolonization
Removal or undoing of colonial elements.[4]

Assimilation
The process of absorbing one cultural group into another.[5]

Encroachment
The act of gradually taking away someone else's rights and entry to another's property without right or permission.[6]

Paradigm
An Indigenous paradigm comes from the fundamental belief that knowledge is relational, is shared with all creation, and therefore can not be owned or discovered.[7]

Worldviews
Are rooted in spiritual beliefs. Spirituality incorporates a culture's highest ideals, values, morals, and ethics. It defines the behaviour that makes a society survive and thrive.[8]

Indoctrination
To teach (someone) in accepting without reservation the ideas, thoughts, and beliefs of a certain group while ignoring those of other groups.[9]

Esoteric Knowledge
Private, obscure, and exclusive knowledge.[10]

Abbreviations:

- **UN - United Nations**
- **UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples**
- **IDIL - International Decade of Indigenous Languages**
- **FPIC - Free, Prior and Informed Consent**

[1]Future Cities Canada, n.d. https://futurecitiescanada.ca/portal/wp-content/uploads/sites/2/2022/02/fcc-civic-indigenous-tool10-sovereignty-rights.pdf.

[2] LII, "International Law," LII / Legal Information Institute, https://www.law.cornell.edu/ wex/international_law.

[3] Teaching and Learning. "Chapter 1." Accessed October 11, 2023. https://teaching.usask.ca/curriculum/indigenous_voices/power-and-privilege/chapter-1.php.

[4] "What Is Decolonization? What Is Indigenization? | Centre for Teaching and Learning." Accessed October 11, 2023. https://www.queensu.ca/ctl/resources/decolonizing-and-indigenizing/what-decolonization-what-indigenization#:~:text=Decolonization%20could%20be%20understood%20as,and%20relationships%20of%20another%20group.

[5] https://www.britannica.com/topic/assimilation-society#:~:text=assimilation%2C%20in%20anthropology%20and%20sociology,dominant%20culture%20of%20a%20society.

[6] "Encroachment," October 11, 2023. https://dictionary.cambridge.org/dictionary/english/encroachment.

[7] https://libguides.royalroads.ca/indigenousresearch#:~:text=%22An%20Indigenous%20paradigm%20comes%20from,and%20the%20obligations%20they%20imply.

[8] Learn Alberta, n.d. https://www.learnalberta.ca/content/aswt/worldviews/documents/worldview.pdf.

[9] "The Residential School System." Accessed October 9, 2023. https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/.

[10] Meridian University. "Deciphering the Esoteric Meaning: A Conceptual Analysis." Accessed October 9, 2023. https://meridianuniversity.edu/content/deciphering-the-esoteric-meaning-a-conceptual-analysis.

Introduction:

The Sovereignty, Preservation, and Empowerment for Indigenous Representation (SPEAR) committee, focuses on raising awareness of the injustices that Indigenous people have faced, and continue to face in our society globally. The SPEAR committee respects and places an emphasis on Indigenous peoples' individual rights. SPEAR is the result of many years of discussion between Indigenous organizations and U.N. member nations.[11]

SPEAR recognizes that Indigenous Peoples have inherited and continue to practice distinctive cultures and methods of interacting with others and the environment. They still exhibit social, cultural, economic, and political traits that set them apart from the societies that are the norm where they live. Indigenous Peoples from all over the world, despite their cultural diversity, have similar issues with the protection of their rights as separate peoples.[12]

Indigenous Peoples have also long fought for acknowledgement of their identity, way of life, and claim to ancestral lands, territories, and natural resources. Despite this, their rights have consistently been violated throughout history. Due to this, Indigenous Peoples are one of the most vulnerable and underprivileged racial and ethnic groups in the world today.[13]

Within SPEAR, one of the guiding concepts of international law, sovereignty, is profoundly important from the perspective of Indigenous peoples' struggle for recognition. In terms of academic research, lobbying, governance, and the maintenance of civilization, sovereignty is crucial to understanding the political goals, legal frameworks, and cultural perspectives of Indigenous peoples. As a delegate, our committee strongly urges that research is conducted from the Indigenous perspective, rather than the Eurocentric viewpoint, which is often emphasized in the media and strongly represented in reconciliation efforts.

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[11] "Indigenous Peoples at the United Nations | United Nations For Indigenous Peoples," accessed October 10, 2023, https://www.un.org/development/desa/indigenouspeoples/about-us.html.
[12] Ibid.
[13] "Rights of Indigenous Peoples in Canada." Accessed October 9, 2023. https://www.thecanadianencyclopedia.ca/en/article/aboriginal-rights.

Historical Background:

The term "Indigenous Peoples" refers to several socioeconomic and cultural groups that have shared ancestral links to the lands and natural resources that they currently reside on or have been displaced from. The land and natural resources they rely on are integral to their identities, cultures, ways of life, and overall bodily and spiritual health. They frequently follow their traditional leaders and groups for representation, which are different or distinct from those of the majority community or culture.[14] Their identity, however, was taken away by the process of colonization.

Colonization is the process by which one nation invades another and seizes control of the territory. People who are native to the area are forced from their homes by newcomers, who also oppress and dominate them. In the course of colonization, much of the Indigenous peoples' culture is also plundered in addition to their land, like with language.[15]

As of today, there are 476 million Indigenous people living in more than 90 nations worldwide who are able to speak more than 4,000 languages and are members of more than 5,000 different Indigenous peoples. However, unfortunately, according to some estimates, more than half of those languages could disappear by the year 2100.[16]

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[14] World Bank. "Indigenous Peoples." HTML. Accessed October 11, 2023. https://www.worldbank.org/en/topic/indigenouspeoples.

[15] Cusick, Jenn. "Impact of Colonization on Indigenous Peoples' Culture." Accessed October 11, 2023. https://opentextbc.ca/peersupport/chapter/impact-of-colonization-on-indigenous-peoples-culture/.

[16] https://www.amnesty.org/en/what-we-do/indigenous-peoples/

Previous UN Involvement

Indigenous people's involvement with the United Nations have been numerous, with the first attempt occurring in 1923. The Haudenosaunee Chief Deskaheh, traveled to Geneva to talk to the League of Nations about the rights of his people to live on their own land with their own religion and own laws. However, he was not allowed to speak and soon returned to his homeland.[17]

In 1982, the Working Group on Indigenous Populations (WGIP) was instituted to support Indigenous voices and provide a platform. It was in the lowest level of the UN hierarchy, and later it was rebirthed to Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) in 2007. The Expert Mechanism offers the Human Rights Council guidance on Indigenous Peoples' rights in the form of studies and research, as per the Council's directives. Additionally, the Expert Mechanism is authorized to put forth recommendations to the Council for its review and endorsement.[18]

1993 was declared as the international Year of the World's Indigenous People by the UN. Its function was to support a relationship between the state and the Indigenous communities, and to build a strong rapport with the Indigenous people. The following year, 1994, was designated as the the International Decade of the World's Indigenous Peoples, where the UN pledged to provide more support for the lives and the rights of the Indigenous people in areas of education, health, and custom preservation.[19]

A series of conferences, special rapporteur, forums followed in consequent years, aimed at increasing Indigenous rights awareness and bringing a discussion of the experience and the dilemmas of Indigenous people.[20]

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[17] "Indigenous Peoples at the United Nations | United Nations For Indigenous Peoples," accessed October 10, 2023, https://www.un.org/development/desa/indigenouspeoples/about-us.html.
[18] Ibid.
[19] Ibid.
[20] Ibid.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has traditionally served as the voice of Indigenous Peoples at the United Nations. It was adopted by the general assembly on September 13, 2007, with 144 states voting in favour of the UNDRIP. Four voted against (Australia, Canada, New Zealand, and the US), and 11 states abstained (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine). Now, all the states have reversed their position and support UNDRIP. The declaration seeks to establish the "survival, dignity and well-being" of Indigenous people and details out human rights and fundamental freedoms pertaining to the Indigenous people.[21]

2022 is the start of the International Decade of Indigenous Languages (IDIL), and the UN believes that the International Decade will offer a distinctive chance to establish enduring transformations within intricate social structures, with the aim of safeguarding, rejuvenating, and advocating for Indigenous languages.[22]

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[21] "United Nations Declaration on the Rights of Indigenous Peoples | Division for Inclusive Social Development (DISD)," United Nations, accessed October 10, 2023, https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples.
[22] "Indigenous Peoples at the United Nations | United Nations For Indigenous Peoples," accessed October 10, 2023, https://www.un.org/development/desa/indigenouspeoples/about-us.html.

Topic 1: Protection and Preservation of Indigenous Knowledge Systems

Indigenous knowledge preservation necessitates a multifaceted approach that includes both conserving traditional knowledge bearers and integrating their knowledge into modern institutions. Traditional Indigenous knowledge systems are a collection of observations, knowledge (oral and written), innovations, practices, and attitudes that encourage connections between people and their landscapes to promote sustainability and wise management of natural and cultural resources. Indigenous knowledge and the people who are intrinsically linked to it cannot be separated.[23] Indigenous knowledge is applicable in all phenomena spanning biological, physical, social, cultural, and spiritual systems. Indigenous Peoples have been building their knowledge systems for millennia, and they still do so now based on information gleaned from close encounters with the environment, lifelong learning, and a wealth of observations, lessons, and abilities.[24]

One critical step is to raise awareness among Indigenous groups about the value of their knowledge and the need of preserving it. Canada does this through the Impact Assessment Act, enacted in 2019.[25] In Canada, Indigenous Knowledge must be included when it is supplied for effect, strategic, and regional assessments, according to the Impact Assessment Act. The Act also contains safeguards to prevent unauthorized disclosure of proprietary Indigenous Knowledge.[26]

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[23] "Overview - Indigenous Knowledge and Traditional Ecological Knowledge (U.S. National Park Service)." Accessed October 11, 2023. https://www.nps.gov/subjects/tek/description.htm.
[24] Ibid.
[25] "Guidance: Describing Effects and Characterizing Extent of Significance," n.d. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-describing-effects-characterizing-extent-significance.html.
[26] Html. Government of Canada, n.d. https://www.canada.ca/en/impact-assessment-agency/programs/aboriginal-consultation-federal-environmental-assessment/indigenous-knowledge-policy-framework-initiative/indigenous-knowledge.html.

Subtopic 1: Documentation and Digitization of Indigenous Knowledge

Through tales, songs, dances, carvings, paintings, and performances, traditional knowledge is passed down through the generations of Indigenous families and their ancestry. Nevertheless, these elements continue to be undermined and undervalued by global histories of colonialism, exploitation, and dispossession. Indigenous children and young people are frequently not educated in their mother tongues.[27] Collectively as a society, we must make sure our children and our youth are connected to their Indigenous community and their culture, which is inextricably linked to their lands, territories, and natural resources.[28]

The forefront of this concern is food and medical issues. Communities run the risk of losing all the local knowledge acquired over many generations because it is oral if it is not recorded and processed. Some of the best approaches to preserve and make this knowledge accessible include documentation and digitization of Indigenous knowledge about foods and medicines.[29] It is essential to make sure that processes used during the digitization process conform to accepted worldwide standards, regulations, and practices. As an illustration, the recording and preservation of this sensitive knowledge ensures its wider dissemination for purposes such as human and animal health, education, natural resource management, and other crucial endeavours.[30] Local populations in underdeveloped nations in Africa are using traditional medical knowledge to treat various opportunistic illnesses as well as to respond to and manage the HIV and AIDS pandemic.[31]

Traditional Indigenous knowledge is an essential component of local communities' culture and history. The documentation of traditional knowledge in some sort of permanent form and public accessibility through information and communication technology are current methods to its preservation.[32] Agencies involved in the documentation of traditional knowledge are provided with the preservation, documenting, and online accessibility of this knowledge. Additionally, the ease with which digitized information can be copied and shared raises concerns about the communities' ability to consistently assure ownership, integrity, and the preservation of its sacred components.[33]

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[27] United Nations. "Indigenous People's Traditional Knowledge Must Be Preserved, Valued Globally, Speakers Stress as Permanent Forum Opens Annual Session," n.d. https://press.un.org/en/2019/hr5431.doc.htm.
[28] Ibid.
[29] Ibid.
[30] Ibid.
[31] "Documenting Traditional Knowledge – A Toolkit," n.d. https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.
[32] Ibid.
[33] "Documenting Traditional Knowledge – A Toolkit," n.d. https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

Due to its significant contribution to local development, Indigenous knowledge has attracted the attention of policymakers, governments, and international organizations on a global scale. Many nations, like Venezuela, India, and China, have built digital databases, inventories, or registries of traditional knowledge over a long period of time. Despite the significance associated with it, it faces extinction in many areas, particularly in Africa, because of a lack of policy and insufficient preservation techniques in a complex and dynamic environment.[34]

In many nations like Canada, the United States of America, the United Kingdom and Australia, the nation's cultural memory institutions have items in their collections that are actually Indigenous knowledge but are credited to non-Indigenous authors or inventors. By collecting written and recorded oral knowledge and languages, digitizing Indigenous information, history, culture, and language, these organizations play a crucial part in the preservation of Indigenous knowledge. Some Indigenous knowledge holdings have been unethically seized as early ethnographers, missionaries, or sympathizers rushed to preserve the histories of something that seems to be disappearing from our history.[35]

Whether it be in the form of oral or written stories, artwork, objects, or other works, cultural and heritage institutions frequently reuse, reproduce, represent, and sell Indigenous knowledge without seeking consent from the Indigenous peoples from whom it originated or giving them due credit or payment.

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[34] UNESCO. "Local and Indigenous Knowledge Systems (LINKS)," n.d. https://en.unesco.org/links.

[35] Callison, Camille, Ann Ludbrook, Victoria Owen, and Kim Nayyer. "Engaging Respectfully with Indigenous Knowledges: Copyright, Customary Law, and Cultural Memory Institutions in Canada." KULA: Knowledge Creation, Dissemination, and Preservation Studies 5, no. 1 (June 23, 2021). https://doi.org/10.18357/kula.146.

Case Study: Colombia — Matapi

Uldarico Matapí Yucuna, aged 63, is frequently referred to as the final shaman of the Matapi community, a small Indigenous group comprising less than 70 individuals residing along the Mirití-Paraná River in the Colombian Amazon rainforest. His father, who was also a shaman, imparted ancestral wisdom to him, including the use of plants for treating various ailments. However, Uldarico does not embrace the title of shaman because, instead of living with his people, he has spent the last three decades in Bogotá, meticulously documenting what remains of this knowledge in written form.[36]

Uldarico emphasizes that mere translation cannot adequately convey his culture's wisdom regarding the utilization of plants for healing. According to him, a shaman's role encompasses not only identifying plants but also serving as a combination of a pharmacist and a physician. Their expertise extends far beyond the straightforward translation or matching of plants to specific symptoms.[37]

Researchers highlight that this type of knowledge begins to decline even before languages become extinct. In certain studied groups, current speakers are no longer able to identify medicinal plants or lack the knowledge of how to create and utilize herbal remedies. According to Cámara Leret, there is a lack of apprenticeship in passing down this knowledge. He emphasizes that with oral traditions, if knowledge isn't transmitted to others during one's lifetime, it disappears.[38]

The researchers also point out that a significant amount of this knowledge may have already vanished without being documented. Their study with the Tsimane people in Bolivia revealed that adults are losing approximately 3% of their knowledge regarding plant uses each year. This rate of knowledge loss is notably higher than the estimated rates of biodiversity loss worldwide.[39]

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[36] Sofia Moutinho, "Medicinal Knowledge Vanishes as Indigenous Languages Die," Science, July 6, 2022, https://www.science.org/content/article/medicinal-knowledge-vanishes-indigenous-languages-die.
[37] Ibid.
[38] Ibid.
[39] Ibid.

Subtopic 2 : Endangerment of Indigenous Languages

The United Nations claims that "every two weeks, an Indigenous language dies."[40] Inuit languages, which were spoken in the extreme reaches of the Arctic, were among the languages that have already vanished. Others had developed in the lush Australian coastal environment. While the settings, cultures, and phonetics of the majority of extinct Indigenous languages vary, they have one thing in common: they died out as a result of colonization and the subsequent growth of other languages. Indigenous languages and the cultures and histories they carry with them are rapidly becoming extinct.[41]

Indigenous groups tend to have younger generations with less thorough knowledge of their family history than earlier generations, in part because they are unable to speak and understand their ancestral language. Indigenous people have traditionally passed down their history orally, rather than through written records, down the generations. This history was never written down since Indigenous culture has been persistently suppressed in countries like Canada and the United States. Communities have, nevertheless, recently made some attempts to digitize records. For teenagers, in particular, comprehending cultural identity requires a grasp of Indigenous history.[42]

Sustainability also depends heavily on language. Collaboration with local communities requires an understanding of the local languages. Moreover, the extinction of Indigenous languages results in the loss of a great deal of traditional ecological knowledge, including sustainable living techniques. Indigenous ecological knowledge, for instance, includes traditional usage of flora and wildlife as well as Aboriginal seasonal knowledge in Australia.[43] This is the key to effectively managing natural resources, such as fires by using cultural burning. But if Indigenous languages are not kept alive and taught to the next generation, such knowledge runs the risk of being lost.

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[40] Maskwacis Cultural College. "Nêhîyawêwin," n.d. https://www.mccedu.ca/nhyawwin.

[41] Harvard International Review. "The Death and Revival of Indigenous Languages," January 19, 2022. https://hir.harvard.edu/the-death-and-revival-of-indigenous-languages/.

[42] Khawaja, Masud. "Consequences and Remedies of Indigenous Language Loss in Canada." Societies 11, no. 3 (September 2021): 89. https://doi.org/10.3390/soc11030089.

[43] "Consequences and Remedies of Indigenous Language Loss in Canada." Societies 11, no. 3 (September 2021)

What are some possible fixes for this endangerment? The promise of education technology and distant learning offers one solution. There would be less pressure for Indigenous people to leave their home environments and go to English-speaking places if they could finish their schooling there.[44] A master degree programme that allows Inuit students to study in part remotely has already shown the promise of distant learning. This master's programme in education is still going strong, and the foundation of its distant learning model might be used at all levels of education. Resources for online education at all levels are proliferating due to the COVID-19 epidemic.[45]

However, this solution is difficult to implement due to a lack of education accessibility for Indigenous communities, leaving parents concerned. Parents of First Nations students who attend school on reservations express concern that their children aren't growing up with a strong sense of who they are and that their educational programs rarely reflect their kids' real history, different cultures, and languages, or their contributions to their nation. Even while education is crucial for increasing opportunities and lowering poverty rates across the globe, hundreds of marginalized Aboriginal communities, as well as the federal, provincial, and Aboriginal governments, have all failed to deal with these most pressing issues.[46]

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[44] "TVO Today | Current Affairs Journalism, Documentaries and Podcasts," n.d. https://www.tvo.org/article/what-are-indigenous-knowledge-systems-and-how-can-they-help-fight-climate-change.

[45] Walton, Fiona. "Protecting Embers to Light the Qulliit of Inuit Learning in Nunavut Communities." Études/Inuit/Studies 33, no. 1/2 (2009): 95–113. https://www.jstor.org/stable/42870291.

[46] "Lower Education - #2 of 8 Key Issues for Indigenous Peoples in Canada," n.d. https://www.ictinc.ca/blog/lower-education-2-of-8-key-issues.

Case Study: Indonesia - Mentawai

Indonesia is home to over 700 languages, and is the most linguistically diverse country in the world. Yet, many of these languages are at the risk of being extinct or resulting in critical conditions, as around 35% are considered to be endangered. As the government actively encouraged Bahasa Indonesia for national unity in the 1940s, the younger generation was prone to learn Bahasa Indonesia instead of their Indigenous language.[47] To respond to these threats, there are many efforts from communities to governments trying to revitalize the Indigenous languages.

The Mentawai people, located on the west coast of Sumatra, have been trying a number of strategies to revitalize their language. The Mentawai people say that the language is their identity, and without it, the essence of their culture will not be the same. In response, Yayasan Pendidikan Budaya Mentawai (YPBM), a cultural education foundation, is creating a Mentawai dictionary. The dictionary will translate Mentawai to Bahasa Indonesia and ultimately to English.[48] The Mentawai people wish to share their language with the outside world, and they hope tourists will use the dictionary's English version to learn the language's importance and connect to the community. There are also efforts to create a verbal dictionary to keep the language spoken by the old and young generations alike. There are difficulties, as some words don't exist in direct translation and need multitudes of words to describe one singular word. In cooperation with NGOs, the Mentawai dictionary project continues, unifying the community with the goal of culture preservation.[49]

Indonesia has been actively taking a census of the languages and categorizing the endangerment of the Indigenous languages. In 2023, The Language Development and Fostering Agency of the Education, Culture, Research, and Technology Ministry targeted to revitalize 71 Indigenous languages in 25 provinces. By developing seven types of learning material: scripts, short stories, poetry, storytelling, speeches, traditional songs, and stand-up comedy, they plan to improve the children's interest in the languages.[50]

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[47] Gerald Roche, Madoka Hammine, and Tuting Hernandez, "Indigenous Language Rights and the Politics of Fear in Asia," La Trobe Asia, no. No. 7 (2022).

[48] Nick Rodway and Grace Dungey, "The Fight to Save Indonesia's Threatened Indigenous Languages," The Diplomat, July 20, 2019, https://thediplomat.com/2019/07/the-fight-to-save-indonesias-threatened-indigenous-languages/.

[49] Judy He, "Mentawai's Indigenous Language Dictionary Project Reaching New Milestones," Indigenous Education Foundation - IEF (blog), December 9, 2021, https://iefprograms.org/2021/12/09/mentawais-indigenous-language-dictionary-project-reaching-new-milestones/.

[50] Raka Juraidi, "Ministry Seeks to Revitalize 71 Local Languages in 2023," Antara News, accessed October 2, 2023, https://en.antaranews.com/news/277425/ministry-seeks-to-revitalize-71-local-languages-in-2023.

Subtopic 3: Intergenerational Transmission of Indigenous Knowledge

Cultural Indigenous transmission has an impact on the continuity and evolution of civilizations over generations. The process by which values, ideas, and customs that are common in one generation are passed down to the following is known as the intergenerational transmission of Indigenous knowledge.[51] Therefore, intergenerational transmission is viewed as a mechanism through which Indigenous knowledge is reproduced in each succeeding generation.

Indigenous peoples around the world are facing serious dangers and difficulties. When it comes to the climate crisis, it is their body of knowledge that greatly influences the conversation about the future of the globe. Indigenous knowledge reduces the effects of climate change that cause food insecurity, resource depletion, and the elimination of sustainable resource management practices.[52] The downfall of humanity may have occurred considerably earlier if not for Indigenous peoples' centuries-old practices of passing knowledge down to future generations. However, due to a lack of this intergenerational transmission in society, Indigenous peoples know very little about the generation preceding them which is a problem we must solve.[53]

Numerous approaches and paradigms were created to put research and documentation in the control of knowledge-holding communities themselves in order to address this problem. Research of this nature paves the way for knowledge transfer and cross-cultural understanding. This is a particularly useful paradigm for esoteric knowledge, which can be at risk because elders are concerned about outsiders appropriating their knowledge.[54]

In comparison with earlier generations, many Indigenous youth today have higher levels of formal education and are more at ease studying and recording the knowledge of their communities while being guided by traditional knowledge bearers.[55] In fact, in order to prioritize knowledge, at the Global Indigenous Youth Caucus Preparatory Meeting on Indigenous Issues in 2017, representatives of Indigenous youth from around the world urged Member States to acknowledge the role of Indigenous youth as recipients of traditional knowledge for the assertion of Indigenous peoples' cultural identity.[56]

[51] Our Responsibility to The Seventh Generation. "International Institute for Sustainable Development," n.d. https://www.iisd.org/system/files/publications/seventh_gen.pdf.
[52] "Indigenous Knowledges and Climate Change | Climate Atlas of Canada." Accessed October 11, 2023. https://climateatlas.ca/indigenous-knowledges-and-climate-change.
[53] Ibid.
[54] Bruchac, Margaret M. "Indigenous Knowledge and Traditional Knowledge." In Encyclopedia of Global Archaeology, edited by Claire Smith, 3814–24. New York, NY: Springer, 2014. https://doi.org/10.1007/978-1-4419-0465-2_10.
[55] UNESCO, https://unesdoc.unesco.org/ark:/48223/pf0000134773.
[56] "FAO - News Article: The Global Indigenous Youth Caucus Meets FAO," n.d. https://www.fao.org/indigenous-peoples/news-article/en/c/878410/.

However, the fight for knowledge and information does not end there, Indigenous women are at greater risk of this issue. Historically, Indigenous women have been seen as both the givers of life and guardians, and as such, they were in charge of early socialization of children around the world, playing crucial roles in their maintenance and generational transmission. Additionally, they can provide valuable information on how Indigenous women's and girls' rights are adequately recognized in order to protect the transfer of traditional knowledge.[57]

The complete, equitable, and effective participation of Indigenous women at all levels of decision-making is crucial for ensuring that the advantages of biodiversity and natural resources are distributed fairly, yet it is often neglected. In order to meet the goals of the 2030 Agenda for Sustainable Development, it is also essential for developing policies and programmes on biodiversity, resource. [58] It offers crucial insights into the processes of observation, adaptation, and mitigation of climate change consequences.

In addition to assisting Indigenous Peoples in preserving their intrinsic connection to the environment across history, doing this would also enable them to preserve their worldviews and increase their resilience to the current climate and biodiversity problems.[59]

To conclude, Indigenous knowledge especially of intergenerational transmission needs to be protected in multiple ways, including by safeguarding those who retain traditional knowledge and incorporating it into contemporary processes. Educating Indigenous tribes about the value of their knowledge and the need to preserve it is a crucial first step. Indigenous tribes frequently lack a thorough understanding of the value of their traditional knowledge and sometimes even consider it inferior to contemporary technologies. Therefore, it is crucial to support Indigenous people and provide them with the technologies and documentation methods they need to preserve and spread their knowledge.[60]

Making sure Indigenous groups have control over their knowledge and its transmission is a crucial next step. In the past, many Indigenous communities have had their wisdom inappropriately used by non-Indigenous communities. To stop the exploitation of Indigenous knowledge, intellectual property rights, especially those protected by international accords like the UNDRIP, must be respected.[61]

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[57] "Indigenous Women's Issues in Canada," n.d. https://www.thecanadianencyclopedia.ca/en/article/native-womens-issues.

[58] Unit, Biosafety. "Target 23," n.d. https://www.cbd.int/gbf/targets/23/.

[59] "Challenges and Opportunities for Indigenous Peoples' Sustainability | DISD," n.d. https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-sustainability/.

[60] "Indigenous Knowledge and the Question of Copyright," n.d. https://www.ictinc.ca/blog/indigenous-knowledge-and-the-question-of-copyright.

[61] Government of Canada, Public Services and Procurement Canada. "Information Archivée Dans Le Web," n.d. https://publications.gc.ca/site/archivee-archived.html?url=https://publications.gc.ca/collections/Collection/R2-160-2001E.pdf.

Residential Schools

Goals for educating Indigenous children include assimilation into mainstream white Canadian society and indoctrination into Euro-Canadian and Christian ways of life, which are more detrimental. Residential schools refers to a vast educational system that was established by the Canadian government and run by churches.[62]

From the 1880s until the last few decades of the 20th century, the residential school system was formally in operation. The system kept kids away from their families for protracted periods of time and banned them from speaking their native tongues or acknowledging their Indigenous ancestry and culture. If any of the tight rules, including these, were broken, kids would suffer harsh punishment.[63]

From the perspective of Indigenous Peoples, the historical intent of boarding schools was to assimilate them into the dominant society in which they lived. These schools were usually run in conjunction with Christian missions, namely in Latin America, North America, the Arctic, and the Pacific, with the stated goal of Christianizing Indigenous peoples.[64] There are, however, different assimilation policies in addition to the residential school system. Native children were forcibly removed from their homes in large numbers in the United States of America (USA) and Canada in order to solve the 'Indian' problem. The guiding principle was "save the man; kill the Indian." In other words, Native Americans would have to give up their Native cultures in order to truly become human.

Similar assimilationist policies were also seen in New Zealand and Australia. As they frequently targeted students with mixed ancestry as a means of creating an elite class of Indigenous people who could run their own communities.[65] And similarly in Africa, boarding schools, which were mainly modeled after colonial methods of education, were severely underfunded and underutilized. And in the Middle East, boarding schools in the Middle East specifically targeted the elites of Indigenous communities, such as the Bedouin during the British Mandate and the Al Murrah in Saudi Arabia.[66]

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[62] "The Residential School System," n.d. https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/.
[63] Ibid.
[64] Smith, Andrea. "Indigenous Peoples And Boarding Schools: A Comparative Study," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.
[65] Smith, Andrea. "Indigenous Peoples And Boarding Schools: A Comparative Study," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.
[66] Ibid.
[67] "The Residential School System," n.d. https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/.
[68] "Residential Schools in Canada," n.d. https://www.thecanadianencyclopedia.ca/en/article/residential-schools.

Canada

In Canada, children were forcibly removed from their families for most of the school year in order to attend these boarding schools, which required attendance. Speaking English and attending Christian services were required of them; native customs and languages were forbidden. Therefore, children claimed that after entering school, they never spoke their native tongue again. Abuse—sexual, physical, and emotional—was pervasive. Children were frequently made to physically abuse other kids. Children were routinely sent through whipping lines to be whipped by the school's older students as a common punishment.[67]

The Royal Commission on Aboriginal Affairs published a report in 1991 that detailed the wrongdoing at residential schools, which stated, "Children were frequently beaten severely with whips, rods and fists, chained and shackled, bound hand and foot and locked in closets, basements, and bathrooms, and had their heads shaved or hair closely cropped."

In Canada, this is what the schedule of an Indigenous child attending residential school looks like:[68]

5:30	Pupils Rise
6:00	Chapel
6:30 - 7:15	Bedmaking, washing, milking and pumping
7:15 - 7:30	Inspection of pupils in the school rooms to see if they are clean and properly dressed, their condition, health & c., a note being taken of those requiring attention, if of clothes, this is done by the sister directly after dinner.
7:30	Breakfast
8:00 - 9:00	Fatigue (Chores)
8:00	Trade Boys go to Work
9:00 - 12:00	School, 15 min recess
12:00 - 12.10	Prepare for Dinner (Lunch)
12.10 - 12.40	Dinner (Lunch)

12:40 - 2:00	Recreation
2:00 - 4:00	School and Trades
4:45 - 6:00	Fatigue [chores], such as milking, carrying coal, ashes, filling tanks, wood boxes, pumping, sweeping
6:00 - 6:10	Prepare for Supper
6:10 - 6:40	Supper
6:40 - 8:00	Recreation
8:00	Prayer and retire (to bed)

Central and South America and Caribbean

Christian missions established the majority of boarding schools in Latin America as a part of a "civilization." The education system in the Southeast Peruvian Amazon was Spanish-only and monocultural. The assimilation of Indigenous peoples and the teaching of Spanish to them were the main goals of Mexican education policy in the 1800s and the early 1900s. However, some reformers supported bilingual education as a way to assimilate Indigenous peoples more successfully. Despite the rise of assimilationist rhetoric in the 1970s, Mexico's school system continued to favour assimilation. In the 1960s, the government established boarding schools that would teach children Spanish and offer them food, clothing, and shelter in the remote Mexican village of Kuchmil in the Yucatán region.[69]

Religious orders would enter into agreements with governments in Venezuela to authorize missionary activities. For example, under their contracts, the Capuchin order was given educational, governmental, and civil control over certain territory. They established boarding schools for the Warao peoples between the 1920s and the 1970s.[70]

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[69] Smith, Andrea. "Indigenous Peoples And Boarding Schools: A Comparative Study," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.
[70] Ibid.

Australia

The Australian government set aside land for the sole use of Indigenous peoples and entrusted responsibility for their welfare to a Chief Protector or Protection Board in response to the cruel treatment of indigenous peoples by settlers. Every Australian state, with the exception of Tasmania, and the Northern Territory had "protectionist legislation" by 1911, giving the Chief Protector or Protection Board broad authority to manage Indigenous peoples.[71]

Missionaries frequently worked with indigenous community leaders. Children were removed from their families in a variety of methods as part of the "civilization project" in order to influence them to become Christians. Children were placed in dorms and had very little interaction with their families while living on reservations. Children were sent to training facilities in some places.

Additionally, mixed-descent Indigenous children were deliberately targeted by the government for expulsion. The reasoning behind this was that native children with lighter skin tones may integrate more readily into non-Indigenous society. On the other hand, those who were exclusively of Aboriginal descent lived in dormitories and had little contact with their family. Children were sent to training facilities in some places.[72]

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[71] "Bringing Them Home - Chapter 2." Accessed October 9, 2023. https://humanrights.gov.au/our-work/bringing-them-home-chapter-2.

[72] Bringing Them Home - Chapter 2." Accessed October 9, 2023. https://humanrights.gov.au/our-work/bringing-them-home-chapter-2.

New Zealand

Following the Treaty of Waitangi's 1840 signing, which made New Zealand a British Crown territory, the government started using education as a strategy to assimilate the Maori peoples into their culture. The colonial government provided funding to churches to run missionary schools. To keep Maori students away from what were seen to be their primitive traditions, the 1847 Educational Ordinance supported the development of industrial boarding schools.[73]

As Maori resistance to immigrants mounted, they started to stop sending their children to residential schools. A law passed in 1867 allowed for the establishment of local day schools that would only teach in English. The public primary school system and the Maori educational system coexisted.[74]

The rules were that children of Maori might enroll in either, but only up to secondary school.[75] Maori kids could not attend a high school that was supported by the state until 1941.[76] Maori denominational boarding schools, which offer two years of secondary education and are supported by Department of Education scholarships, were the sole option for those whose parents could not afford the required tuition.[77]

Similar to the US and Canadian principles at the time, Maori children were to be raised with European ideals but were not to be provided with the tools necessary to succeed in that family's upper classes.[78]

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[73] "European Style Schooling for Maori: The First Century," n.d. https://pesaagora.com/access-archive-files/ACCESSAV11N2_077.pdf.

[74] Gee, Georgia. "13,000 People From the Niger Delta Just Sued Shell for Years of Oil Spills." The Intercept, n.d. https://theintercept.com/2023/02/01/shell-oil-niger-delta-nigeria-lawsuit/.

[75] Ibid.

[76] Smith, Andrea. "Indigenous Peoples And Boarding Schools: A Comparative Study," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.

[77] Ibid.

[78] "European Style Schooling for Maori: The First Century," https://pesaagora.com/access-archive-files/ACCESSAV11N2_077.pdf.

Scandinavia

In an effort to "protect" the Sami people from their heathen practices, a number of Christian schools were founded in Samiland.[79] These educational institutions aimed to train Sami men in Christian doctrine so that they may later serve as missionaries in their own communities. Although the missionaries did not create a system of education for all Sami youngsters, their training institutions acted as models for later educational structures built in Samiland.[80]

Until the 1960s, when the Sami people started to gain political influence and recognition, there were residential schools. According to firsthand accounts, attending boarding school is a tremendously stressful experience, especially because students are taken away from their family at such a young age.[81] Not all Sami groups, though, shared this opinion about boarding schools. However, some Sami academics claim that because the Sami people had already undergone a protracted period of Christianization, the process was not necessarily as disruptive as it had been for indigenous children in other nations who were the first generation to become Christians.

Additionally, these schools were required for everyone who lived too far away to be able to attend a local school, not just Sami children. Thus, rather than being Sami-only, these schools were truly mixed.[82]

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[79] "Indigenous Peoples And Boarding Schools: A Comparative Study," n.d.
[80] Ibid.
[81] Ibid.
[82] Ibid.

Russia

The Committee of the North was founded by the USSR in 1924 to manage the issues of Northern minorities. The focus was initially on maintaining traditional routes, but later the objectives shifted towards forced absorption.[83] Their three part educational plan included:

1) The creation of cultural hubs in the North that united different economic, scientific, and educational pursuits,
2) The creation of a school system that comprised 62 boarding institutions,
3) The alphabetization of minority languages in the North;[84]

The boarding schools were first created for nomadic tribes to provide them with a structured education, but they quickly became required for all pupils. Children were taken away when they were 1-2 years old and returned when they were 15–17 years old without knowing anything about their native communities. For example, eighty percent of Evenki peoples were attending residential schools and spending at least six months of the year away from their homes by World War II.[85] Traditional family structures were altered by this programme, leaving returned children without the skills they needed to survive in their communities. Because of the poor quality of the schooling, Northern people had a difficult time finding employment, and their traditional means of subsistence were also threatened. In recent years, boarding schools have been converted into day schools, and the educational system is currently being restructured.[86]

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[83] Ibid.
[84] Ibid.
[85] Ibid.
[86] Ibid.

Asia

In Vietnam's West Kalimantan, most secondary school students boarded in the city of Lanjak and only visited their families on weekends or during holidays. Vietnamese law dating back to 1946 supports teaching native children in their own languages. However, Vietnamese must be used as the language of instruction in accordance with national educational policies which has led to illiteracy rates as high as 93%.[87]

Five provinces in China with sizable minority populations—Xinjiang, Inner Mongolia, Tibet, Ningxia, and Guangxi—were declared as autonomous minority nationality zones in the 1950s.[88] Increased local power over the management of resources, taxation, family planning, education, law, jurisdiction, and religious expression was handed to them. Schools in these areas were focused on assimilation rather than cultural preservation from 1949 through the 1980s.[89]

Indigenous or tribal populations in India typically did not have access to education for a variety of reasons.[90] Due to their geographical dispersal and low population density, many tribal villages were not suitable for the construction of schools by the Indian government. Additionally, tribal groups lacked the financial means to support sending kids to school. Prior to 1980, many communities had literacy rates of around 8%. Residential schools or Ashram schools were created for tribal youngsters in this context.[91]

The Department of Aboriginal, in Malaysia concerns (JHEOA) took over management of Indigenous people's concerns in 1961.[92] In addition to promoting the study of indigenous languages and public education aimed at eradicating prejudice against indigenous peoples, government policy promoted the integration of indigenous peoples into the wider community in 1961.[93]

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[87] "Boarding School/Residential Schools," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid.

[92] Ibid.

[93] "INDIGENOUS EDUCATION POLICY IN MALAYSIA: A DISCUSSION OF NORMALIZATION IN SCHOOLING," n.d. https://www.jesoc.com/wp-content/uploads/2016/08/Edu-25.pdf.

Middle East

For the Palestinian Bedouin males, a boarding school was established during the British Mandate. The sons of the elite attended the school in order to provide future tribal leaders with the negotiating abilities necessary to deal with colonial authorities. In 1934, a girls' school was established.[94] Many of the alumni of these institutions went on to become shaykhs and other well-known figures. The guys at the school were allowed to frequently visit their family encampments and were encouraged to continue wearing their traditional tribal attire. Several went to a Nazareth boarding school after Israel was founded, and they later rose to positions of authority in Bedouin community. But for the most part, Israel has not placed an emphasis on educating the Bedouin people.[95]

As oil firms started to operate in Oman, the government, together with the UN, started to support development programmes for the Harasiis.[96] In addition to other humanitarian initiatives, this development project featured the building of a boarding school for boys. For kids from remote tribal communities who are in grades 9 through 12, special residential schools are available in Iran. Boys and girls go to different schools. Only exceptional pupils are admitted to these schools, which have high entrance requirements. After graduation, graduate students have a higher likelihood of landing a professional position.[97]

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[94] "Boarding School/Residential Schools," n.d. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf.

[95] Ibid.

[96] Ibid.

[97] Ibid.

Africa

In a number of East African nations, unique boarding schools have been established, some of which are geared towards girls. In Kenya, before 1955, 75% of the schools were under the supervision of Christian groups.[98] Generally speaking, Indigenous peoples fall under the heading of marginalized groups. Kenya established the Remote Areas Boarding Programme in the 1970s to provide education through affordable boarding schools. However, non-Indigenous students swamped the classrooms, and the Indigenous communities stayed out of it.[99]

The San/Basarwa people are relocated to schools with dormitories in Botswana. Every school term, the government provides transport for kids to these schools to help with the issues caused by geographic remoteness. They receive elementary education, but not in their native tongues.[100]

After the legal slave trade was abolished in Sierra Leone, the government and the London-based Church Missionary Society collaborated to establish separate villages where children could get training in crafts, farming, and, for the most promising, teaching or mission work.[101]

[98] Ibid.

[99] "Conflict and Trade-Offs Between Efficiency and Access: A Case of Day and Boarding Secondary Schools in Kenya ," n.d. https://files.eric.ed.gov/fulltext/EJ1115859.pdf.

[100] "An Assessment of the Status of the San in Botswana," n.d. https://www.lac.org.na/projects/lead/Pdf/sanbots.pdf.

[101] Anderson, Richard, n.d. https://academic.oup.com/.

Case Study: Russia - Indigenous Groups in the Arctic

For nomadic communities in the Arctic, specifically Russia, schooling typically involves boarding schools. Children will spend months away from families in boarding schools to continue their education. The problem with these boarding schools was that since children were separated from their communities from a young age, they often forgot their mother tongue and couldn't retain their nomadic skills. Alternatives have been explored, such as the nomadic schools, which involve teachers residing in communities where the nomads frequent or the educators roaming along with the nomadic groups.[102]

In the republic of Sakha, part of the Russian Federation, five Indigenous groups reside: Evenki, Evens, Dolgans, Yukagir, and Chukchi. As the nomadic groups migrate from season to season, their schooling is done in nomadic schools. The curriculum teaches common subjects such as Math and Russian but also contains subjects appropriate to the traditional lifestyle. There are lessons on herding reindeer, driving snowmobiles, and using ATVs. As the children spend longer with their families, they can acquire the Indigenous language, allowing it to be passed on from generation to generation. They can also develop stronger family ties, learn about their traditional economy, and cultivate cultural identities. As of 2019, there were 112 children from preschool to elementary in 11 nomadic schools in the Republic of Sakha.[103] More broadly, there are 40 nomadic schools in Russia, with 500 students in 2022.[104]

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[102] "Arctic Russia - Nomadic school," Arctic Russia, March 28, 2023, https://arctic-russia.ru/en/article/nomadic-school/.

[103] "Language Revitalization - Nomadic Schools in the Republic of Sakha," Indigenous Peoples' Secretariat, accessed October 2, 2023, https://www.arcticpeoples.com/sagastallamin-revitalization-nomadic-schools-sakha.

[104] Anna Sorokina, "How Kids Go Back to School in Faraway Places of Russia (PHOTOS)," Russia Beyond, September 1, 2022, https://www.rbth.com/education/335367-school-remote-russia.

Subtopic 4: Intellectual Property Rights and Traditional Knowledge

The knowledge, customs, ideologies, and practices specific to each Indigenous culture are included in Indigenous intellectual property. An Indigenous community loses control over the way traditional knowledge is used after it is taken away from them. In most cases, this body of knowledge has been developed over many centuries and is particular to the land, resources, customs, and traditions of the Indigenous peoples.[105]

For a vast portion of the world's population, primary healthcare is currently based on traditional knowledge relating to human health. The media, scientific journals, and development policies all increasingly acknowledge interest in this topic, but struggle with it due to a lack of resources and research, and especially the transmission of intergenerational knowledge.[106]

Indigenous peoples assert that these uses violate their rights as the traditional keepers and guardians of this knowledge and that existing legal protections do not sufficiently acknowledge or safeguard those rights. They seek not just the acknowledgement and protection of this knowledge, but also the right to an equitable share of any advantages resulting from its application.[107]

As such, Indigenous peoples want to prevent commercial exploitation of their traditional knowledge and practices. For decades, pharmaceutical and research corporations have been patenting and claiming ownership of commercial plants that are used to grow plantation crops in Indigenous communities.[108] These businesses frequently fail to acknowledge the Indigenous peoples' historical ownership of such information and deny them access to their fair share of the financial, medical, and social gains associated with the application of their traditional knowledge or practices.

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[105] Wendland, Wend. "WIPO and Indigenous Peoples," n.d.
https://www.ohchr.org/sites/default/files/Documents/Publications/GuideIPleaflet12en.pdf.
[106] Marchildon, Gregory P. "Canada's Universal Health-Care System: Achieving Its Potential." Lancet (London, England) 391, no. 10131 (2018): 1718–35. https://doi.org/10.1016/S0140-6736(18)30181-8.
[107] Richardson, Benjamin. "The Ties That Bind: Indigenous Peoples and Environmental Governance," n.d.
https://digitalcommons.osgoode.yorku.ca/.
[108] Wendland, Wend. "WIPO and Indigenous Peoples," n.d.

Africa's Efforts in Indigenous Intellectual Property

With more than 30 000 plant species, 80% of which are native to the area, Africa is one of the most ecologically varied continents in the world. Traditional healers employ many of these species and apply them to their daily practices and medicine.[109]

Indigenous people in Africa have been denied the right to their intellectual property as well. These native people are endowed with a treasure of knowledge and wisdom that will last them and their ancestors for all of time. Lack of intellectual property rights, which would provide people the right to own their knowledge and resources, endangers the sustainability of Indigenous knowledge and resources.[110] The protection of Indigenous peoples' intellectual property is necessary as the world economy shifts to a knowledge-based economy, where knowledge only has value when it is acknowledged and transferrable under intellectual property rights frameworks.

As a solution, Africa's action plan is to create separate legislation governing Indigenous knowledge in addition to intellectual property as a means of protecting and promoting Indigenous knowledge.

One of the few nations to employ such a strategy is South Africa. The nation has taken additional steps to safeguard and promote its extensive body of Indigenous knowledge in addition to drafting a bill titled "Protection and Promotion of South African Indigenous Knowledges". Among these initiatives are the creation of the Indigenous Knowledge System Programme (IKSP), the beginning of research projects to ascertain how indigenous knowledge and indigenous technologies can contribute to innovation in South Africa, and the setting up of research projects to ascertain the worth of traditional medicine.[111]

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[109] Street, R. A., and G. Prinsloo. "Commercially Important Medicinal Plants of South Africa: A Review." Journal of Chemistry 2013 (December 27, 2012): e205048. https://doi.org/10.1155/2013/205048.

[110] Nhambura, Constance. "Indigenous People and the Protection of Intellectual Property Rights (IPRs) in Zimbabwe." In Indigenous and Minority Populations - Perspectives From Scholars and Writers across the World. IntechOpen, 2023. https://doi.org/10.5772/intechopen.108167.

[111] "Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore," n.d.

Conclusion

To conclude, traditional knowledge encompasses all explicit and implicit information, including intellectual property, and practices that are utilized to govern socio-economic and ecological aspects of existence. It is created through history by a huge number of individuals of the specific culture, and as it is used, it is expanded and updated to what individuals see in the media today.[112] As such, this information is passed down from one generation to the next.

The United Nations Environment Programme states that this knowledge "can be contrasted with cosmopolitan knowledge, which is drawn from global experience and combines 'western' scientific discoveries, economic preferences, and philosophies with those of other widespread cultures,"[113] therefore making it a vital focus of future studies.

Case Study: Andean Countries - Peru

The Andean countries, Bolivia, Colombia, Ecuador and Peru, have specific laws that recognize and protect the indigenous communities' traditional knowledge. National laws designed to safeguard the cultural heritage of indigenous communities extend protection to a wide array of knowledge, spanning from clothing patterns to herbal remedies. Many of these laws place a specific emphasis on safeguarding the traditional knowledge originating from the local natural resources. This protective measure is intended to secure their knowledge and prevent unauthorized usage, all while ensuring that such usage does not occur without obtaining the community's consent, freely given and with informed awareness.[114]

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[112] "Traditional Knowledge in Policy and Practice: Approaches to Development and Human Well-Being," n.d. https://collections.unu.edu/eserv/UNU:2546/ebrary9789280811919.pdf.

[113] "Integrating Indigenous Knowledge on Natural Resources | Global Strategies & Solutions | The Encyclopedia of World Problems," n.d. http://encyclopedia.uia.org/en/strategy/194964.

[114] Nicolás Gutiérrez, "How Latin America Countries Protect Their Traditional Knowledge through IP," European Commission, accessed October 2, 2023, https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/how-latin-america-countries-protect-their-traditional-knowledge-through-ip-2020-01-16_en.

Peru passed Law 27811: The Regime to Protect Collective Knowledge of Indigenous Peoples related to Biological Resources, in 2012. It states;

- To promote respect for and the protection, preservation, wider application and development of the collective knowledge of Indigenous Peoples;

- To promote the fair and equitable distribution of the benefits derived from the use of that collective knowledge;

- To promote the use of the knowledge for the benefit of the Indigenous Peoples and mankind in general;

- To ensure that the use of the knowledge takes place with prior and informed consent of the Indigenous Peoples;

- To promote the strengthening and development of the potential of the Indigenous Peoples and of the machinery traditionally used by them to share and distribute collectively generated benefits under the terms of this regime;

- To avoid situations where patents are granted for inventions made or developed on the basis of collective knowledge of the Indigenous Peoples of Peru without any account being taken of that knowledge as prior art in the examination of the novelty and inventiveness of the said inventions.[115]

Law 27811 is considered a well-crafted legal tool by legal experts for safeguarding the intellectual property rights of Peruvian Indigenous People. However, its effects and how it is put into practice at the community level still require investigation. While legal protections can symbolically acknowledge Indigenous Peoples' rights, it's important to note that symbolic laws alone may not alter the colonial relationships between the state and Indigenous communities, and in some cases, they might even reinforce state-imposed recognition categories. To determine whether such protections go beyond symbolism, it is imperative to analyze how the law is implemented and its real-world impacts.[116]

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[115] Michelle Hak Hepburn, "Protecting Intellectual Property Rights and Traditional Ecological Knowledge: A Critical Look at Peru's Law 27811," Human Organization 79, no. 1 (Spring 2020): 69–79.
[116] Hepburn, "Protecting Intellectual Property Rights and Traditional Ecological Knowledge."

Subtopic 5: Indigenous Knowledge in the Face of Climate Change

Climate change has impacted the world in various ways, posing a severe and imminent threat to the stability of our ecosystems, economies, and the well-being of future generations. Indigenous populations are among the first to feel the impacts of climate change due to the dependence and the close relationship they have with the land and the environment. They often have a spiritual connection with the land as well, showing that climate change is not only a threat to their livelihood, but a crisis involving their cultural identity and customs.[117]

The Indigenous peoples' generational relationship with ecology can be useful to effective climate change response. There is a growing global recognition that Indigenous knowledge and practices can help countries formulate national climate action plans. Their deep understanding of the local land as well as the traditional practices, such as regenerative agriculture, intercropping, and polyculture, specific to the region can aid in environmental assessments and sustainable ecosystem management.[118]

There are many Indigenous people directly addressing the challenges of climate change using their traditional knowledge. In Hawaii, native communities have been restoring the sustainable loko i'a or fishpond system for fishing. In the Democratic Republic of the Congo, the Bambuti-Babuluko are helping to protect their forest, a prominent tropical forest in Central Africa. Indigenous land management, such as slow burning fires can also be found in parts of South America and Australia. [119] By purposefully burning small areas, it can prevent larger fires as well as nourish the land. It is apparent Indigenous knowledge and practices hold much potential and it is essential to recognize and implement them actively.[120] Recognizing that Indigenous knowledge systems observe changing climates, adjust to their impacts, and support global mitigation efforts will aid in meeting SDG 13 on climate change.

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[117] "Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources," IFAD, April 2018, https://www.ifad.org/en/web/knowledge/-/publication/indigenous-peoples-collective-rights-to-lands-territories-and-natural-resources.
[118] Alexandre Antonelli, "Indigenous Knowledge Is Key to Sustainable Food Systems," Nature 613, no. 7943 (January 2023): 239–42, https://doi.org/10.1038/d41586-023-00021-4.
[119] News, U. H. "Research Reveals How Climate Change May Affect Hawaiian Fishpond Aquaculture | University of Hawaiʻi System News," December 21, 2017. https://www.hawaii.edu/news/2017/12/21/climate-change-may-affect-hawaiian-fishpond/.
[120] Siham Drissi, "Tapping into Indigenous Knowledge to Protect Nature," UNEP, August 8, 2022, http://www.unep.org/news-and-stories/story/tapping-indigenous-knowledge-protect-nature.

Case Study: USA - Standing Rock Sioux Tribe

The controversial Dakota Access Pipeline is an extensive 1,172-mile underground pipeline, located in the United States. It serves the purpose of conveying crude oil from the Bakken/Three Forks production region in North Dakota to Patoka, Illinois. This pipeline has the capacity to move a maximum of 750,000 barrels of oil every day. There is significant opposition to the pipeline from Indigenous communities.[121]

The pipeline passes beneath the Missouri and Mississippi Rivers as well as Lake Oahe. It also traverses an area located within a half-mile of the existing borders of the Standing Rock Sioux Reservation, which was originally taken from the Tribe by Congress in 1958. The Standing Rock Sioux, along with various other tribes and environmental organizations, object to the pipeline primarily due to worries about the greenhouse gas emissions associated with the transported oil and the potential risk of a spill causing contamination of both state and tribal drinking water sources.[122] Additionally, the Dakota Access Pipeline cuts through significant cultural and burial sites that hold importance for the Standing Rock Sioux and other tribal nations.[123]

To respond to the pipeline, the Standing Rock Sioux Tribe organized marches, horseback rides, and marathons to build support for their cause and show their opposition to the pipeline. Celebrities, a number of politicians, and many Native Nations that backed the campaign traveled to the Sacred Stone Camp on the Standing Rock Reservation to join DAPL protesters. The situation at the camp deteriorated rapidly.[124] Law enforcement officers from North Dakota and private security guards employed by Energy Transfer Partners engaged in violent clashes with protesters and made hundreds of arrests.[125]

On January 26, 2021, the D.C. Circuit Court made a ruling stating that the Army Corps of Engineers' analysis under the National Environmental Policy Act (NEPA) did not adequately consider the pipeline's impact on the Standing Rock Sioux Tribe and communities along its path. The court directed the Corps to undertake a comprehensive environmental impact statement (EIS). However, it left the decision regarding whether to continue pipeline operations during the EIS process to the discretion of the Corps. As of today, the pipeline is still in operation.[126]

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[121] "Standing Rock Sioux and Dakota Access Pipeline | Teacher Resource," Smithsonian, accessed October 2, 2023, http://nmai.si.edu/nk360/plains-treaties/dapl.cshtml.
[122] Ibid.
[123] Ibid.
[124] Ibid.
[125] Ibid.
[126] Ibid.

Case Study: Ecuador

The Amazonian region situated in the eastern part of Ecuador, is inhabited by Indigenous communities such as the Huaorani, Sápara, and Sarayaku Kichwa peoples. These Indigenous populations, especially those living in the forests, play a dual role in the fight against climate change.[127] Firstly, these forest-dwelling Indigenous groups have persistently resisted the colonization of their ancestral lands and the deforestation that has threatened their centuries-old way of life. Secondly, starting in the 1990s, a growing number of these Indigenous forest communities have recognized their responsibility to safeguard the forests as part of the broader effort to combat climate change.[128] They acknowledge the potential for them to wield decision-making influence both locally and globally, which could significantly contribute to the preservation of the planet. For countless generations, numerous Indigenous communities have practiced sustainable living, nourishing themselves without causing harm to the natural world, thereby maintaining a profound harmony with nature. It is this wisdom that has safeguarded their environment, and can be expanded to include others in order to be sustainable.[129]

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[127] Linda Etchart, "The Role of Indigenous Peoples in Combating Climate Change," Palgrave Communications 3, no. 1 (August 22, 2017): 1–4, https://doi.org/10.1057/palcomms.2017.85.

[128] Ibid.

[129] Ibid.

Questions to Consider:

- In what ways can the current system of preserving Indigenous identity and documentation be improved? Are these efforts to preserve Indigenous identity and documentation equal across the world?

- What impact has the recent global pandemic had on Indigenous languages and cultures?

- Are Indigenous schools and education enough to guarantee the intergenerational transmission of Indigenous knowledge? If so, what should the education system for the Indigenous communities look like? Should the local government be involved? Should there be a separate curriculum?

- How are Indigenous cultures, languages, and traditions being preserved and revitalized?

- What is the role of cultural heritage in shaping Indigenous identity and rights? How did colonization and residential schools impact Indigenous communities and their rights?

- What ongoing challenges are Indigenous communities facing due to historical injustices?

- How can Indigenous knowledge aid in tackling climate change? In what ways can Indigenous practices be implemented? How should the gathering and research of the Indigenous knowledge be formulated? Who should be responsible?

- What should be prioritized if Indigenous knowledge conflicts with existing scientific research? Should the generational practices be stopped if current scientific research suggests they are ineffective or harmful to the environment?

Topic 2: Indigenous Self-Determination and Land Rights

In order to achieve Indigenous sovereignty, or the right and capacity of Indigenous people to practice self-determination over their territory, cultures, and political and economic systems, decolonization is a vital process. In a historical and current worldwide effort known as colonialism, people from other countries continue to seize territory, establish their own systems, and exploit Indigenous people and their resources.[130]

Without a framework that prioritizes and centres Indigenous existence and community, decolonization cannot exist. In that regard, it becomes crucially imperative to centre and acknowledge the local settler colonial contexts on which we are located, notwithstanding our aspirations of comprehending and advocating a global Indigenous endeavour.

The subtopics within topic 2 will explore the subjects of land disputes, Indigenous territorial autonomy, governance and resource exploitation.

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[130] Community-Based Global Learning Collaborative. "What Is Decolonization?" Accessed October 11, 2023. https://www.cbglcollab.org/what-is-decolonization-why-is-it-important.

Subtopic 1: Land Disputes and Title Rights

Land is fundamental to Indigenous people and secure access to the territory as well as resources is important for Indigenous self-development. The relationship to the ancestral land as well as customs tied to the territories are central not only to livelihoods, but also significant in forming their identity. International law recognizes the rights of Indigenous people to possess land. Indigenous Peoples cannot be relocated by states without receiving adequate recompense and their free, prior, and informed consent.[131]

However, over 80% of the biodiversity in our world lives on the land where Indigenous Peoples reside, and it is also abundant in natural resources like oil, gas, lumber, and minerals. As a result, governments and private businesses frequently appropriate, sell, lease, and contaminate these lands, with defenders of Indigenous territories being subject to assault, homicide, and other crimes.[132] In the case of Canada, Indigenous people are six times more likely to be victims of homicide.[133]

There is often a lack of state recognition for the Indigenous ownership of the land despite international laws pertaining to it. The lack of formal bureaucratic recognition leads to unclear situations over the ownership of the land, where overlapping claims can be found. Historical instances of colonizers driving off Indigenous people further complicates the situation. Many Indigenous groups are also minorities in their country, and some lack voice and representation in the government, leading to laws being passed that don't take Indigenous perspectives into account. As a result, many Indigenous people are displaced in the name of preservation or development.[134]

Land disputes differ per country and region, often intricately connected with history. The following four countries – Canada, USA, Australia, New Zealand – voted against the UN declaration on the rights of Indigenous Rights in 2007, and the following sections will highlight Indigenous land dispute situations in each respective country.

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[131] "Indigenous Peoples Rights Are Human Rights.," Amnesty International, accessed October 2, 2023, https://www.amnesty.org/en/what-we-do/indigenous-peoples/.

[132] "Indigenous Peoples Rights Are Human Rights."

[133] Statistics Canada Government of Canada, "The Daily — Criminal Victimization of First Nations, Métis and Inuit People in Canada, 2018 to 2020," July 19, 2022, https://www150.statcan.gc.ca/n1/daily-quotidien/220719/dq220719c-eng.htm.

[134] "Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources," IFAD, April 2018, https://www.ifad.org/en/web/knowledge/-/publication/indigenous-peoples-collective-rights-to-lands-territories-and-natural-resources.

Canada

Land claims strive to correct wrongs committed by the federal, provincial, or territorial governments against Indigenous peoples, their rights, and their lands. Different kinds of land claims exist.[135] The government's unfulfilled responsibilities under ancient treaties or the Indian Act are the subject of specific claims, which are also referred to as modern treaties and deal with Indigenous rights. In Canada, there are numerous ongoing comprehensive and particular claim negotiations.

Indigenous settlements in Canada, specifically in Alberta, Ontario and British Columbia typically take the shape of present-day treaties and contain a range of conditions, including cash, land, different types of self-government, rights to wildlife, and shared management of lands and resources.[136]

Specific claims stem from First Nations' complaints that the Canadian government did not uphold its duties under previous treaties or the Indian Act. Examples of accusations include the improper distribution of reserve land, the failure to safeguard reserve land from unauthorized sale or lease, employee fraud, and the improper handling of First Nations' cash and other assets.[137]

[135] "Indigenous Land Claims in Canada," n.d. https://www.thecanadianencyclopedia.ca/en/article/land-claims.
[136] "Indigenous Land Claims in Canada," n.d.
[137] "Indigenous Land Claims in Canada," n.d.

United States (Federal Power Commission v. Tuscarora Indian Nation)

Disaster hit Niagara Falls, New York, on June 7, 1956. Only one of the three sections of the Schoellkopf Power Station, which supplied more than 400,000 kilowatts of power to the area, survived the rock avalanche that devastated the station.[138] The Schoellkopf Station would be completely demolished, and a new, more powerful power plant would be erected in its place, according to the New York State Power Authority. On August 21st, 1957, Congress passed Emergency Act Public Law 85-159 (71 Stat. 401), approving the start of the Niagara Power Project. Work on acquiring the property for the enormous hydroelectric power station began when Robert Moses took over as the chairman of the New York Power Authority.

However, a land conflict forced the suspension of this operation. The American government used eminent domain to seize land that the Tuscarora Indian Nation purchased in 1804.[139]

Tuscarora Indian Nation History

Tuscarora populations migrated from Indian Woods to northern relatives, those that remained in the state were targeted by state laws over their land claims, rights, and privileges. Many Tuscarora families fled to Robeson County or New York due to ongoing encroachment acts and the lack of enforcement of treaty rights. The identities, claims, and rights of the Tuscarora Nation of North Carolina families that stayed in the state were further marginalized, subjugated, and silenced by trends in Indian Removal Policy and Disenfranchisement.[140]

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[138] Justia Law. "Tuscarora Indian Nation, Petitioner, v. Federal Power Commission, Respondent, Power Authority of Thestate of New York, Intervenor, 265 F.2d 338 (D.C. Cir. 1959)," n.d. https://law.justia.com/cases/federal/appellate-courts/F2/265/338/63004/.

[139] Ibid.

[140] McDowell, Donnie Rahnàwakew. "Historical Record Confirms Claims of Tuscarora Nation of NC." NC Newsline (blog), July 14, 2023. https://ncnewsline.com/2023/07/14/historical-record-confirms-claims-of-tuscarora-nation-of-nc/.

New Zealand

New Zealand's Maori are still fighting for disputed land, most notably Ihumātao islands. It was seized by the crown in 1863 and was sold to Fletcher buildings in 2016, to build housing on the land. In 2019, Maori activists seized the island and staged a mass occupation, demanding a return of the land. The activists called for the crown to intervene and hand back the land back to Maori. In 2020, the government bought the land from Fletcher buildings for $30 million. There are now Indigenous appointed representatives composing the committee for determining the land's further use and future.[141]

Australia

The Yolgnu people of Yirrkala in northeast Arnhem Land (Northern Territory), who were the forerunners of the modern land rights movement, presented a bark petition to the Australian Parliament in 1963. The Yirrkala Bark Petitions, decried the taking of land from which Yirrkala Aboriginal people have for thousands of years lived, hunted, and maintained connections to important locations. Without consulting Yirrkala residents, the government issued bauxite mining leases and expropriated land.[142]

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[141] Eleanor Ainge Roy and Eleanor de Jong, "Ihumātao Sacred Site Bought by New Zealand Government for $30m," The Guardian, December 17, 2020, sec. World news, https://www.theguardian.com/world/2020/dec/17/ihumatao-sacred-site-bought-by-new-zealand-government-for-30m.

[142] Museum of Australia; address=Lawson Crescent, Acton Peninsula corporateName=National. "National Museum of Australia - Yirrkala Bark Petitions," n.d. https://www.nma.gov.au/defining-moments/resources/yirrkala-bark-petitions.

Case Study 1: South Africa - Khosians

Often known as the first South Africans, the Khosians are a gathering of several communities, such as the Cape Khoi, the Nama, the Koranna, the Griqua, and the Santribe.[143] With the arrival of the Dutch settlers, the Khosian population rapidly decreased. Their traditional lands were taken, and some were enslaved in the Dutch farms.[144] Under apartheid, the Khosians were considered "colored," and their Indigenous language and culture were forced to assimilate. Today, Ixam, the language of the Khosians, is considered a dead language and is not part of South Africa's eleven official languages.[145] Under apartheid, many black and colored people were dislocated and forcibly removed from areas to make way for white-only communities. Although apartheid ended almost 30 years ago, there are still unresolved issues around the redistributed lands, majorly with the private lands under white ownership and thousands of land claims remaining unsolved.[146]

Many Khosians today feel that they are being marginalized, and currently, there are movements to reclaim the history and the land of the Khosians. In 2016, the Khoisan Revolution Party was founded, with two critical agendas for the campaign: land and language. Mr. Peterson, the founder of the Khoisan Revolution Party, stated, "If we win the elections here, the first thing we will do is ask the owners of the mines from whom did they buy the land?"[147] His rally centers around the idea that the lands were forcibly taken and the Khosian culture intentionally erased, and it is time to correct that.

There are other attempts to protect the traditional lands of the Khosians. In 2021, rights groups filed an interdict to stop the development of an area in Cape Town. The area, with two rivers flowing through it, is the ancestral home of the early Khosians. It also holds historical significance, where the Khosians battled against the Portuguese and the Dutch in the 17th century. Tauriq Jenkins of the Goringhaicona Khoi Khoin Indigenous Traditional Council (GKKITC), a Khoi group opposed to the project, says, "You, can trace the origins of our identity here, it is the footprint of our resistance against colonialism.". Some protests and petitions oppose the development the US retailer Amazon is spearheading. The Khosians want a heritage site with the appropriate respect paid to the land.[148]

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[143] Matjila, "History of the Khoisans in South Africa - Right for Education," Right for Education, September 17, 2022, https://rightforeducation.org/2022/09/17/khoisans-in-south-africa/.

[144] Christian Parkinson, "The First South Africans Fight for Their Rights," BBC News, June 13, 2016, sec. Africa, https://www.bbc.com/news/world-africa-36516241.

[145] Matjila, "History of the Khoisans in South Africa - Right for Education."

[146] Kim Harrisberg, "Indigenous Land Dispute Dogs Amazon's Africa Expansion," Thomson Reuters Foundation News, August 9, 2021, https://news.trust.org/item/20210809110542-0isad/.

[147] Matjila, "History of the Khoisans in South Africa - Right for Education."

[148] Parkinson, "The First South Africans Fight for Their Rights."

Case Study: Canada - Kanyen'kehà:ka

The Kanesatake Resistance, also known as the Oka Crisis, refers to a 78-day standoff between Kanyen'kehà:ka (Mohawk) demonstrators, Quebec police, the RCMP, and the Canadian Army (11 July-26 September 1990). This standoff unfolded in Kanesatake, near the town of Oka on the north shore of Montreal, with related protests and violence. The crisis erupted due to plans to expand a golf course and build townhouses on disputed land in Kanesatake, which included a Mohawk burial ground.[149]

During a span of 78 days, bloody clashes occurred between the state authorities and the Kanyen'kehà:kae. Shooting broke out after 100 Quebec police officers with tear gas, concussion grenades, and assault rifles were sent on a raid. The Kanyen'kehà:kae blockaded the Honoré Mercier Bridge, leading the federal government to intervene and send in the Canadian Armed Forces.[150] On September 26, 1996, the crisis concluded, resulting in the loss of a provincial police officer's life and hundreds of injuries to Kanyen'kehà:ka civilians. Eventually, the military was deployed to resolve the situation, leading to the end of the protest. The golf course expansion was canceled, and the land was acquired by the federal government. However, it was not designated as a reserve, and no formal transfer of the land to the Mohawks of Kanesatake has occurred since then.[151] These events prompted the establishment of the Royal Commission on Aboriginal Peoples, with its mission being to enhance dialogue and collaboration between First Nations and governmental bodies throughout Canada.[152]

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[149] Tabitha de Bruin, "Kanesatake Resistance (Oka Crisis)," July 11, 2013, https://www.thecanadianencyclopedia.ca/en/article/oka-crisis.
[150] Melinda Meng, "Bloody Blockades: The Legacy of the Oka Crisis," Harvard International Review, June 30, 2020, https://hir.harvard.edu/bloody-blockades-the-legacy-of-the-oka-crisis/.
[151] de Bruin, "Kanesatake Resistance (Oka Crisis)."
[152] Meng, "Bloody Blockades."

Subtopic 2: Indigenous Territorial Autonomy

The UN Charter and other significant human rights documents also recognise the right of peoples to self-determination as a fundamental human right, giving it a prominent position in international human rights law. The concept of self-determination is widely recognized as being fundamental to the international legal system. However, when it comes to Indigenous Peoples and their exercise of the right to self-determination, its interpretation and application have been contentious issues in international law.[153]

Land is a central part to the lifestyles of Indigenous people and integral to their cultural identity. As a result, territorial autonomy is regarded as a fundamental feature to guarantee the sovereignty and the empowerment of Indigenous people. Territorial autonomy does not mean immediate independence from the home country, rather it indicates freedom for the Indigenous population to use and decide the current usage as well as the future of the land they reside in. This is especially important in the context of exploitive projects and development policies that often do not regard Indigenous rights and a neglect to consult decisions with the Indigenous population.[154] The following will discuss the prospects of self-determination through territorial autonomy.

The International Seminar "Right to Autonomy and Indigenous Self-Government as a manifestation of the Right to Self-Determination of Indigenous Peoples" was held in March 2019 by the United Nations. It discussed the importance of Indigenous territorial autonomy. The seminar was arranged by International Work Group for Indigenous Affairs (IWAGIA), a non-profit international human rights group. With Indigenous representatives from various countries, the seminar indicated control over lands and natural resources as a prerequisite for exercising autonomy and developing their own governance system. Multiple aspects of autonomy, such as economic, social, cultural, and political autonomy, were also recognized, and the function of each of these was critically examined in the conference.[155]

In terms of the economic dimension, participants discussed Indigenous peoples' capacities to develop their own economic systems, including the establishment of direct economic relations with other peoples and nations, mechanisms of administration and budgetary control, models of natural resource management, business development, and self-management of transportation and supplies.[156]

Currently, many states resist the idea of Indigenous self-autonomy, citing it as a threat to sovereignty, and fueling separatist movements.[157] There needs to be more discussion on looking at effective strategies and ways to get over barriers to the realization of Indigenous peoples' rights to self-determination, autonomy, and self-government on a global scale.

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[153] "Indigenous Peoples' Autonomy and Self-Governance: Outcomes of Regional Dialogues," in Indigenous Peoples and Development Branch, DISD/DESA (Permanent Forum on Indigenous Issues, Mexico, 2022).
[154] "Indigenous Peoples' Rights to Autonomy and Self-Government as a Manifestation of The Right To Self-Determination" (International Work Groups on Indigenous Affairs - IWGIA, April 2019).
[155] IWGIA, "Indigenous Peoples' Rights to Autonomy and Self-Government as a Manifestation of The Right To Self-Determination."
[156] Ibid.
[157] "Indigenous Peoples' Autonomy and Self-Governance: Outcomes of Regional Dialogues," in Indigenous Peoples and Development Branch, DISD/DESA (Permanent Forum on Indigenous Issues, Mexico, 2022).

Case Study: Myanmar - Karen

In Myanmar, there are eight recognized national races by the government: Bamar, Chin, Kachin, Kayin, Kayah, Mon, Rakhine and Shan. However, many Indigenous groups in Myanmar do not identify with these groups, making these classifications government imposed. The military regime of Myanmar has for a long time passed laws and implemented policies that dispossessed Indigenous land in the name of economical and environmental development. In 2012, the parliament passed a series of laws intended to bring in foreign investment.

These laws, such as the Vacant, Fallow, and Virgin Lands Management Law (VFV Law), Farmland Laws, Investment Law and Forest Law do not recognize Indigenous collective land ownership and management systems. Which ultimately creates a system to legitimately take away land from the Indigenous groups. The impacts of these laws can be seen with the report that from the 45 million acres of VFV land, 82 percent is ethnic nationality lands.[158]

However, in response to these discriminatory practices, certain Indigenous groups have mobilized and responded to protect their land autonomy. The Karens, an Indigenous group located on the eastern border with Thailand, have created conservation areas, documented boundaries and land use systems.[159] The Salween Peace Park was created by the leaders of the Karen People, the Karen National Union (KNU). For decades since the departure of the British, the KNU has effectively run the Karen State, with a strong goal in environmental conservation. The Peace Park created in 2018, is an example of their determination for ecological autonomy. Unlike a western style park, the peace park protects "the ecological and cultural integrity of land areas considered to be ancestral domain." The Kaw system, an ancestral land use system of the Karen people, is used to govern the land. A mixture of culture, spirituality, and conservation, the Kaw system is as old as the Karen, but the peace park's charter is the first time it was documented. The peace park contains 27 community forests, and three wildlife sanctuaries, equalling to 1.4 million acres. The park and the Karen autonomous government remain unrecognized by the government, and there are clashes between the government and the Karen people.[160]

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[158] "Indigenous Peoples and Land Rights in Myanmar - IWGIA - International Work Group for Indigenous Affairs," IWGIA, November 16, 2020, https://www.iwgia.org/en/news/3896-indigenous-peoples-and-land-rights-in-myanmar.html.
[159] ICCA Consortium, "ICCA Consortium," ICCA Consortium, March 5, 2023, https://www.iccaconsortium.org/2023/03/05/fight-for-the-forest-indigenous-territories-myanmar-coup/.
[160] Fred Pearce, "Amid Tensions in Myanmar, An Indigenous Park of Peace Is Born," Yale E360, November 30, 2020, https://e360.yale.edu/features/amid-tensions-in-myanmar-an-indigenous-park-of-peace-is-born.

Case Study: Costa Rica - Bribri

While the global environmental protection efforts align with Indigenous values, international forest financing strategies under the United Nations are negotiated and agreed only by governments and state powers, with no Indigenous representation. This lack of recognition extends to Indigenous autonomy in shaping their own conservation strategies. Despite Costa Rica's adoption of Indigenous rights declarations and laws defining Indigenous territories, such as the United Nations Declaration on the Rights of Indigenous Peoples, the ratification of the International Labor Organization's Convention 169, and the passing of the 1977 Indigenous Law, the country fails to acknowledge Indigenous autonomy and self determination.[161]

Costa Rica is inhabited by about eight primary Indigenous communities, with the Bribri group being the largest among them, mainly located in the Limon province. The Bribri Indigenous people live in the remote southern Caribbean region of Costa Rica, near the Panamanian border, scattered across the Talamanca Mountain range and isolated southern islands.[162]

Indigenous Bribri women are leading the way in promoting sustainable agroforestry practices, a tradition with roots extending over thousands of years. They employ a system called "fincas integrales," which mimics the forest's diversity and productivity. In this system, timber trees provide shade for fruit trees, which, in turn, offer shelter to medicinal plants, creating an environment where livestock and even wildlife can thrive.[163]

The Bribri community, one of the rare matrilineal societies globally, women are regaining their leadership role after a period of decline and social challenges. In contrast to the Bribri's sustainable agroforestry, the Talamanca region also hosts extensive monoculture plantations, such as banana farms, which rely heavily on pesticides—a practice that the Bribri women argue harms the land.[164]

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[161] Britney Villhauer, "Indigenous Autonomy and Self-Determination in International Forest Financing Strategy: A Case Study from the Indigenous Bribri People of Costa Rica," in Indigenous and Minority Populations - Perspectives From Scholars and Writers across the World (IntechOpen, 2022), https://doi.org/10.5772/intechopen.108166.

[162] Sarah Jordan, "The Bribri Indigenous Culture of Costa Rica," The Tico Times | Costa Rica News | Travel | Real Estate (blog), September 5, 2021, https://ticotimes.net/2021/09/05/the-bribri-indigenous-culture-of-costa-rica.

[163] Monica Pelliccia, "For Costa Rica's Indigenous Bribri Women, Agroforestry Is an Act of Resistance and Resilience," Mongabay Environmental News, September 29, 2021, https://news.mongabay.com/2021/09/for-costa-ricas-indigenous-bribri-women-agroforestry-is-an-act-of-resistance-and-resilience/.

[164] Ibid.

Subtopic 3: Extractive Industries and Resource Exploitation

Extractive industries refers to the people, companies, and activities involved in removing oil, metals, coal, stone, etc. from the ground.[165] These activities are strongly correlated with the destruction of loss of land, livelihoods, and the environment. While there is a recognition of the harm extractive industries bring, their profitability and utility to a country is undeniable. As a result, many countries are keen to host extractive activities, often in Indigenous lands which consist of rich resources.[166]

While extractive policies and exploitations by industries are common in developing countries, Indigenous populations disproportionately suffer from the impacts of extractive policies and exploitation by certain industries, as they have little to no representation in government. Indigenous lands also are often rich with resources such as oil, timber, gas and minerals. 80 percent of the world's remaining biodiversity is preserved by Indigenous peoples, and recent research shows that forestlands managed by local communities contain at least 25 percent of all the above-ground carbon stored in tropical and subtropical forests. Many Indigenous groups end up being dislocated or their lands considerably shrunken due to development projects.[167]

The Permanent Forum on Indigenous Issues (UNPFII) opened its 2022 session amid calls for respecting the free, prior, and informed consent of Indigenous peoples on existential decisions uprooting their communities. Speakers told the forum that the rapid population growth frequently occurs on their lands without their consent and harms their way of life, cultures, languages, and lives in an irreparable way.[168]

Extractive processes have damaging effects on the environment, and accidents frequently occur. Specifically, oil and gas exploration and production can lead to the disruption of migration routes, the deterioration of crucial animal habitats, and the occurrence of oil spills, with significant negative consequences for both the wildlife and the human populations relying on these ecosystems.[169]

The inherent characteristics and practices of extractive industries frequently clash with established land utilization and pose a threat to the wellbeing of existing ecosystems. These industries frequently pose considerable issues to Indigenous people in particular. According to some observers, the disturbance of their way of life, community cohesion, and cultural legacy is a type of development aggression.[170]

[165] "Extractive Industry," Cambridge Dictionary, September 27, 2023, https://dictionary.cambridge.org/dictionary/english/extractive-industry.
[166] "Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources," IFAD, April 2018, https://www.ifad.org/en/web/knowledge/-/publication/indigenous-peoples-collective-rights-to-lands-territories-and-natural-resources.
[167] "Indigenous Peoples," HTML, World Bank, April 6, 2023, https://www.worldbank.org/en/topic/indigenouspeoples.
[168] "Extraction Operations on Indigenous Peoples' Land without Consent Cause Irreparable Harm, Speakers Stress, as Permanent Forum Begins Session | UN Press," United Nations, April 25, 2022, https://press.un.org/en/2022/hr5467.doc.htm.
[169] "Indigenous Peoples' Collective Rights to Lands, Territories and Natural Resources."
[170] "Extraction Operations on Indigenous Peoples' Land without Consent Cause Irreparable Harm, Speakers Stress, as Permanent Forum Begins Session | UN Press."

Social conflicts are frequently sparked by extractive projects on or near Indigenous homelands. These conflicts take many various forms and are generally sparked by highly unequal relationships between "stakeholders." The right to consultation and consent of Indigenous peoples is constrained by law, despite the fact that they have collective rights protected by the UNDRIP, such as Free, prior and informed consent, (FPIC), which, if fully recognized, would significantly reduce power disparities.[171]

Indigenous peoples are only able to make decisions within the constraints of the project, which have already been established by the government and the business community.[172]

Indigenous people all over the world are practicing environmental activism to make sure their environment isn't destroyed by extractive industries. There are lawsuits happening in South America, where Indigenous leaders from the Amazon basin are calling for the South American governments to halt extractive industries that harm the rainforest, and call upon them to honor agreements and legal decisions that acknowledge the rights of communities over their territories.[173] It is clear Indigenous people and their lands need protections from the highly commercialized industries and more regulations implemented from the global community.[174]

In the future, reducing the multifaceted effects of poverty while advancing sustainable development and the Sustainable Development Goals (SDGs) requires improving the security of land tenure, enhancing governance, encouraging public investments in high-quality, culturally appropriate service delivery, and supporting Indigenous systems for resilience and livelihoods. The World Bank collaborates with governments and Indigenous Peoples to make sure that larger development initiatives take into account their perspectives and objectives.[175]

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[171] "Indigenous Peoples' Right to Adequate Housing," n.d. https://www.ohchr.org/sites/default/files/Documents/Publications/IndigenousPeoplesHousingen.pdf.

[172] "Are Extractive Activities and Indigenous Peoples' Rights in Canada Irreconcilable? - Members of GRITE," University of Ottawa, August 12, 2019, https://socialsciences.uottawa.ca/news/are-extractive-activities-and-indigenous-peoples-rights-canada-irreconcilable-grite.

[173] Alexandra Valencia, "Indigenous Communities Meet in Ecuador to Demand End to Extractive Industries," Reuters, March 15, 2022, sec. Americas, https://www.reuters.com/world/americas/indigenous-communities-meet-ecuador-demand-end-extractive-industries-2022-03-15/.

[174] Ibid.

[175] "Canada's Implementation of the 2030 Agenda for Sustainable Development," n.d. https://sustainabledevelopment.un.org/content/documents/20312Canada_ENGLISH_18122_Canadas_Voluntary_National_ReviewENv7.pdf.

Arctic and Russian Communities

The rights of Russian citizens to environmental protection, information access, and decision-making are confirmed by the Russian Constitution of 1993. In accordance with universally recognized principles and standards of international law and international treaties of the Russian Federation, Article 69 "guarantees the rights of Indigenous minorities." Clauses of numerous laws and other legal acts passed since 1991, including the 2001 Land Code, protect Indigenous peoples' rights in relation to land and natural resources (forests, marine resources, subsurface resources, and protected areas), as well as their protection in the face of development of these resources.[176]

Soft law in these communities are non-binding international declarations and conventions that Russia has not ratified. Indigenous human rights advocates, legal professionals, and academics construct draught laws and good practice guidelines at the national and municipal levels using the concepts represented in these texts.[177] The majority of Indigenous peoples around the world embrace these international documents. Other nations (especially in Western Europe and Latin America) have approved those that are legally binding.

The 1992 UN Conference on Environment and Development (UNCED), also known as the "Earth Summit," resulted in the Rio Declaration, which is a list of voluntary principles.
Russia participated in the agreement, which has weight in the world community despite not having legal force.[178]

Although Russia has not ratified the ILO Convention 169 on Indigenous and Tribal Peoples, which became effective in 1991, Indigenous rights organizations frequently use it as a guide. Indigenous peoples and those who support them have actively lobbied for ratification in Russia.[179] Articles 14 and 15 of ILO 169 recognized Indigenous peoples' ownership to historically occupied land as well as their right to take part in the use, management, and conservation of these resources.[180] It stipulates that relocation should only be an extraordinary solution and only take place with the "free and informed consent" of the people concerned, who should be adequately paid (Article 16), and that it demands consultation with land users before exploration or exploitation of the resources (Article 15).[181]

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[176] "Extractive Industries and Indigenous Peoples in Russia: Regulation, Participation and the Role of Anthropologists," n.d. https://www.iied.org/sites/default/files/pdfs/migrate/G02490.pdf.

[177] Barelli, Mauro. "THE ROLE OF SOFT LAW IN THE INTERNATIONAL LEGAL SYSTEM: THE CASE OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES." International & Comparative Law Quarterly 58, no. 4 (October 2009): 957–83. https://doi.org/10.1017/S0020589309001559.

[178] "Review of Implementation of Agenda 21 and the Rio Principles ." United Nations, n.d. https://www.un.org/esa/dsd/dsd_sd21st/21_pdf/SD21_Study1_Synthesis.pdf.

[179] "Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)," n.d. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

[180] Ibid.

[181] Ibid.

Case Study: Niger Delta Communities

For decades, communities in the Niger Delta have grappled with severe pollution attributed to oil companies, with Shell being a prominent name. This pollution has inflicted devastating impacts on their well-being and means of sustenance. In 2011, the United Nations Environment Programme recognized the urgent need for "emergency action" to address the public health threat. At that time, a 30-year cleanup effort was projected, but it never commenced due to Shell's non-cooperation. Over the past 12 years, the situation has deteriorated, marked by 55 oil spills, leading Amnesty International to label the Niger Delta as "one of the most polluted places on earth."[182]

This environmental crisis has contaminated the air, land, and water, causing profound harm to residents' health and livelihoods. The delicate ecosystem of the region, including waterways and mangrove swamps, has suffered extensive damage. Farmlands have been tainted by oil, resulting in polluted crops and exposing people to dangerous heavy metals like chromium, lead, and mercury. A recent study estimated that in 2012 alone, 16,000 infants died within their first month of life due to oil pollution in the Niger Delta.[183]

In cases of oil spills, companies bear the responsibility to respond promptly, irrespective of the cause. Swift action can mitigate leaks and facilitate the cleanup process, with government guidelines recommending a site visit within 24 hours. In reality, there have been significant delays, with some spills persisting for months after reporting.[184] Shell, for instance, managed to meet the 24-hour visitation guideline in only 26% of cases, and they recorded eight of the worst response times. The worst delay was recorded when another extractive industry, Eni, took 430 days to respond to a spill in Bayelsa State, allowing oil to contaminate the region's water sources.[185]

There are several court cases by the Niger Delta communities to sue Shell and other extractive industries for the oil spills. In January 2012, over 11,300 residents from Ogale, along with 17 local organizations, filed claims against Shell in the High Court in London. This legal action, combined with previous claims from the Bille community, brought the total number of claims against Shell to over 13,650. Shell argues that the overwhelming majority of spills were due to illegal third-party interference, such as pipeline sabotage and oil theft, absolving the company of responsibility for compensation.[186]

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[182] Georgia Gee, "13,000 People From the Niger Delta Just Sued Shell for Years of Oil Spills," The Intercept, February 2, 2023, https://theintercept.com/2023/02/01/shell-oil-niger-delta-nigeria-lawsuit/.

[183] Rebecca Ratcliffe, "'This Place Used to Be Green': The Brutal Impact of Oil in the Niger Delta," The Guardian, December 6, 2019, sec. Global development, https://www.theguardian.com/global-development/2019/dec/06/this-place-used-to-be-green-the-brutal-impact-of-oil-in-the-niger-delta.

[184] Clear Seas. "Responding to Oil Spills in Canadian Waters," n.d. https://clearseas.org/en/responding-to-oil-spills/.

[185] "Niger Delta Negligence," Amnesty International, March 16, 2018, https://www.amnesty.org/en/latest/news/2018/03/niger-delta-oil-spills-decoders/.

[186] IBid.

As the number of cases against Shell continues to rise, the company has announced plans to exit the Niger Delta and divest its onshore oil fields, leaving behind environmental devastation and any sense of responsibility. However, in 2021, Shell had to suspend its sales due to a Nigerian Supreme Court ruling, which mandated waiting for the outcome of an appeal involving a 2019 oil spill case. The ruling required Shell to pay nearly $2 billion in compensation to Niger Delta communities.[187]

Currently, there are developments to a trial to determine whether Shell's parent company in London, along with its Nigerian subsidiary, bears legal responsibility for the harm inflicted on Niger Delta communities. The trial in the High Court in London is anticipated to occur in 2024.[188]

Subtopic 4: Indigenous Governance

Indigenous governance describes the many different ways that these peoples have governed themselves or still do so in spite of colonization. There are three approaches to self governance in the Indigenous community:[189]

- Practices that exist independently of or before being colonized by a foreign political force. Before being ruled and excluded by non-native peoples, indigenous peoples already formed political communities. These modes of government are frequently still in use and play a significant role in indigenous peoples' political lives.[190]
- Practices that are officially approved or coordinated with the colonial power. Native Americans frequently made accommodations for and assimilated into the political systems of the colonial authority, either through coercion, free will, or both.[191]
- Practices that were designed and are used expressly to counter colonial dominance. To combat the harmful effects of exploitation and dominance, Indigenous peoples have practiced political government and opposed.[192]

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[187] Ibid.
[188] Ibid.
[189] Canada;, Government of Canada; Crown-Indigenous Relations and Northern Affairs. "Self-Government." Administrative page, November 3, 2008. https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314.
[190] Ibid.
[191] Ibid.
[192] Ibid.

Timeline:

→ 2001 (Indigenous Governance Forum)[193]
An international conference on Indigenous governance was held in Canberra in 2001 due to Reconciliation Australia. The purpose was to discuss what works, what doesn't work, and why in establishing good governance locally. The forum made recommendations on how to support Indigenous governance building as well as in-depth research into the current state and potential futures of Indigenous governance in Australia.

→ 2002-2008 (Indigenous Community Governance Project)[194]
Reconciliation Australia and the Centre for Aboriginal Policy Research (CAEPR) at the Australian National University (ANU) have been given funds by the Australian Research Council to conduct research in remote, rural, and urban areas in response to the forum's request. The Federal, West Australian, and Northern Territory governments provided further financial support to the ICGP. The ICGP's through fieldwork identified the following frameworks for government policy and funding in addition to Indigenous access as being necessary to restore and revitalize Indigenous governance: superior organizational and growth-oriented instruments for governance, strengthening regional capability through ongoing facilitation expertise.

→ 2008 (Recommended Consultations + Steering Committee)[195]
This recommendation inspired Reconciliation Australia and Social Ventures Australia (SVA) to order a scoping project later on. Tanya Hosch, an independent consultant, assisted Jodie Sizer from Ingenuity Australia in leading the consultation process, which was funded by SVA. The goal of the consultation process was to take into account. The level of support for an Indigenous governance institute in Australia, the various roles it might play, different operational models, and other factors to take into account before creating an institute. A steering group was established after the consultation report to help advance the AIGI concept by bringing attention to Indigenous governance challenges, negotiating partnerships and funding, and establishing a plan to chart the course forward.

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[193] AIGI. "History," n.d. https://aigi.org.au/about-us/history.
[194] Ibid.
[195] Ibid.

→ 2011-2018 (Establishment of incremental approaches)[196]

Since the initial business case was created, AIGI has made great strides towards its goal. The steering committee chose a thoughtful approach to maturity, including an incremental approach to formation, with the aim of ensuring the organization's long-term survival.

→ 2019-2022 (Introduction of a new strategic plan)[197]

"The key strategic priorities in our new Strategic Plan 2022–2027 include:
1. To increase the quality of resources
2. To increase the quality of capability strengthening options
3. To strengthen and expand partnerships with stakeholders who share our values and commitments
4. To secure a sustainable future"

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[196] Ibid.
[197] Ibid.

Case Study: China - Tibet

Located in the west of China, Tibet and the PRC have been going on disputes for Tibet's political autonomy. Since Tibet was incorporated into China in 1951, when the Chinese military invaded and seized control in what it claims was a "peaceful liberation," Tibet has had the status of an independent region."[198] The Dalai Lama, their spiritual and head leader, recognized Chinese rule in response to keeping their political system and religion. The 17 point agreement signed between the PRC and Tibet guaranteed the political system left intact, as well as religious, culture, and traditional rights.[199] In 1959, after a failed resistance movement, the Tibetan government and the Dalai Lama fled to India, exiled. Although there is steady resistance to gain complete political freedom, or even further, independence, reality has been harsh.[200] China controls the region directly, with local decision making authorities concentrated in the Chinese party officials. The few Tibetans who are in executive positions are mostly figureheads or strongly believe in Chinese doctrine. Recently, there have been attempts for the Chinese government to elect the next Dalai Lama.[201]

The Tibetans continually ask for self governance, and for all their regions to be united under one Tibetan leadership, so that the Tibetan nationality can develop and maintain its distinct identity. The Tibetans wanted it to be written in the Constitution that the powers and the responsibility given to the regional Tibetan government cannot be changed.[202] The Central Tibetan Administration, the exiled government, is currently located in Dharamshala, India. It pursues an elective parliamentary government, complete with a judiciary, executive, and a legislative branch. The 14th Dalai Lama gave up his political role in 2011, and since then prime ministers have been elected.[203]

China officially does not acknowledge the existence of any Indigenous groups within China, despite voting positively in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). China describes itself as composed of ethnic minority groups, not Indigenous groups.[204]

[198] "Tibet Dying a 'Slow Death' under Chinese Rule, Says Exiled Leader," March 29, 2023, https://www.aljazeera.com/news/2023/3/29/tibet-dying-a-slow-death-under-chinese-rule-says-exiled-leader.
[199] "Regional Ethnic Autonomy in Tibet," Mission of the People's Republic of China to the European Union, July 12, 2004, http://eu.china-mission.gov.cn/eng/zywj/bps/200407/t20040712_8301627.htm.
[200] Jigme Lama, "The Seventeen Point Agreement: Seventy Years of China's Occupation of Tibet," Origins, May 2021, https://origins.osu.edu/milestones/seventeen-point-agreement-seventy-years-china-s-occupation-tibet?language_content_entity=en.
[201] "Tibet: Freedom in the World 2020 Country Report," Freedom House, accessed October 3, 2023, https://freedomhouse.org/country/tibet/freedom-world/2020.
[202] "Memorandum on Genuine Autonomy for the Tibetan People," Central Tibetan Administration (blog), accessed October 3, 2023, https://tibet.net/important-issues/sino-tibetan-dialogue/memorandum-on-geniune-autonomy-for-the-tibetan-people/.
[203] Ibid.
[204] "China," IWGIA International Work Group for Indigenous Affairs, accessed October 3, 2023, https://www.iwgia.org/en/china.html.

Case Study: Canada - Inuit

In Canada, the initial relationships between colonial governments and Indigenous nations were established through treaties, trade agreements, and military alliances. However, these longstanding partnerships gradually deteriorated over the centuries due to a series of laws, policies, and decisions rooted in a colonial and paternalistic approach. An example of this is the Indian Act, enacted in 1876, which continues to shape the governance of most First Nations in Canada. This legislation imposed a colonial governance system on First Nation communities, where ultimate authority rested with the federal Minister.[205]

Presently, the Government of Canada is actively collaborating with Indigenous peoples to dismantle the federally imposed governance and administrative structures in favor of Indigenous control and management. This collaborative effort aims to assist Indigenous communities in their endeavors to rebuild and revitalize their nations, promote self-determination, and, particularly for First Nations, facilitate the transition away from the Indian Act toward self-government.[206]

This is found in the Inuit Nunangat Policy, which states that the Innuits have a right to self-determination in the form of Indigenous government:

1.3 "Across Inuit Nunangat, there are five modern treaties (also known as land claims agreements, referred to here as 'Inuit-Crown treaties') in place, one of which includes self-government, between Inuit and the Crown: the Inuvialuit Final Agreement, the Nunavut Agreement, the James Bay and Northern Quebec Agreement, the Nunavik Inuit Land Claims Agreement, and the Labrador Inuit Land Claims Agreement. Among other items, the Inuit-Crown treaties set out specific Inuit rights related to lands and resources and also outline various governance arrangements, including treaty obligations and objectives, that are specific to each of the four Inuit regions, including co-management, public government, and self-government arrangements. This policy affirms Canada's respect for these rights and governance arrangements and the associated Inuit organizations involved, recognizing that they continue to evolve based on the inherent right of Inuit to self-determination."[207]

The design, development, and implementation of all new or updated federal policies, programmes, services, and initiatives that apply in Inuit Nunangat and/or benefit Inuit, including programmes of general application, are guided by this policy, which is applicable to all federal departments and agencies. [208] It also supports Inuit self-determination. This strategy seeks to achieve socioeconomic and cultural parity between Inuit and other Canadians through fostering prosperity and fostering community and individual wellbeing throughout Inuit Nunangat.[209]

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205 Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada;, "Self-Government," administrative page, November 3, 2008, https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314.
206 Ibid.
207 Ibid.
208 Canada, Government of Canada; Crown-Indigenous Relations and Northern Affairs. "Inuit Nunangat Policy." Policy, April 21, 2022. https://www.rcaanc-cirnac.gc.ca/eng/1650556354784/1650556491509.
209 Ibid.

Subtopic 5: Indigenous Decolonization

Decolonization involves changing how non-Indigenous people and Indigenous Peoples see each other and themselves. Indigenous Peoples are regaining their families, communities, cultures, languages, histories, and customs after having them taken away by assimilationist policies of the federal government.[210] Through self-government agreements, treaties, or other negotiated agreements, some communities are reclaiming control. This has to do with revelation, rejuvenation, and rediscovery.

The concept of decolonization is frequently discussed in North America in terms of the interactions between Indigenous and non-Indigenous peoples, and is especially linked to the Calls to Action and Final Report of the Truth and Reconciliation Commission of Canada as efforts towards that.[211] However, it is vital to note that despite these efforts, these systems currently in place deeply tear down colonial power structures, beliefs, and harmful practices that are necessary for health equity through decolonization.[212]

The link has to do with Indigenous resurgence, which is the process through which Indigenous people, both independently and with the assistance of non-Indigenous people, recover and restore their culture, land, language, relationships, health, etc. Decolonization is linked to broader concepts of inclusion and equity for some people, as well as other ties between groups of people in North America and other nations and environments throughout the world.[213]

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[210] "A Brief Definition of Decolonization and Indigenization," n.d. https://www.ictinc.ca/blog/a-brief-definition-of-decolonization-and-indigenization.

[211] "What Is Decolonization? What Is Indigenization? | Centre for Teaching and Learning," n.d. https://www.queensu.ca/ctl/resources/decolonizing-and-indigenizing/what-decolonization-what-indigenization.

[212] Ibid.

[213] Ibid.

Decolonization and Healthcare Systems

Decolonization is a process of healing and transitioning from a place of resentment, sadness, and loss to one where Indigenous Peoples can prosper. For some people, this could feel overwhelming and impossible. While it is true that not every Indigenous People is at the same stage of the "decolonization journey," Indigenous Peoples and non-Indigenous peoples can thrive when they work together.[214]

Health and wellbeing are directly harmed by discrimination and colonization efforts in the health care system. Health disparities among Indigenous peoples are thought to have their roots in prejudice experiences.[215] Patients frequently report encounters with discrimination, including aggressive treatment, stereotyping, and poor care, all of which deter Indigenous people from seeking medical attention.[216]

Health disparities between Indigenous and non-Indigenous people are rooted in our international colonial history. The colonial processes introduced deadly contagious diseases, which negatively affected the vitality of whole communities.[217] Colonial practices and policies such as starvation, incarceration, community confinement to reserves, and child removal to "schools" all had an enormous, unequal impact on Indigenous peoples' physical health and well-being.

Disrupting Indigenous social, educational and knowledge systems and the outlawing of spiritual and medicinal practices undermined the health status of Indigenous people at the same time that non-Indigenous communities were beginning to benefit from those resources once used to sustain Indigenous peoples.[218]

Improved access to Indigenous health systems, including traditional medicines and foods, is necessary to address the health inequities that exist for Indigenous people in Canada. There are numerous obstacles, including Canadian law on resource extraction and the expansion of Indigenous peoples' traditional areas, which restricts access to traditional foods and medicines.[219] Indigenous knowledge and worldviews must be incorporated into all initiatives aimed at enhancing the health of Indigenous peoples, particularly those that target their spiritual, mental, physical, and social well-being.[220]

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[214] "Indigenization Guide: Decolonization and Reconciliation – BCcampus," September 9, 2020. https://bccampus.ca/2020/09/09/indigenization-guide-decolonization-and-reconciliation/.

[215] Ibid.

[216] Ibid.

[217] Gunn, Brenda. "Ignored to Death: Systemic Racism in the Canadian Healthcare System." University of Manitoba, n.d. https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/Health/UniversityManitoba.pdf.

[218] Ibid.

[219] Allen, Lindsay. "Indigenous-Led Health Care Partnerships in Canada." CMAJ : Canadian Medical Association Journal 192, no. 9: E208–16. Accessed October 20, 2023. https://doi.org/10.1503/cmaj.190728.

[220] Ibid.

Case Study: Canada - BC

Framing Indigenous health and well-being fits within a broader discussion centered on the decolonization of health and healthcare. In Canada and globally, research and policies have increasingly focused on transferring healthcare control to Indigenous governance, emphasizing structural changes, and promoting culturally appropriate healthcare as a fundamental Indigenous right.[221] This process of decolonization involves shifting expertise to prioritize Indigenous voices and interests, allowing Indigenous individuals to become experts in their own health experiences and actively participate in healthcare initiatives. Moreover, it calls for a departure from the prevailing traditional approach to health.[222]

When healthcare is not under Indigenous control, there is a significant lack of understanding of the unique perspectives, interests, histories, and contexts that Indigenous people bring to their healthcare experiences. This absence of Indigenous influence also affects the provision of optimal care for themselves and their families. There is a growing recognition of the issues related to ongoing Indigenous-specific racism, discrimination, the historical legacy of institutionalized healthcare, and a general lack of comprehension of the distinctive life experiences of Indigenous peoples.[223]

Indigenous communities' current knowledge underscores holistic perspectives on health and disease, encompassing various factors that influence well-being across the lifespan. These perspectives align with traditional viewpoints, including access to healthy foods, physical activity, spiritual expression, and community empowerment, which impact multiple dimensions of human existence, such as social, political, and economic aspects.[224]

There are four key components to Indigenous health and wellness: Indigenous control of healthcare, traditional medicine and healing practices, active and meaningful community engagement, and addressing the historical impacts of colonization.[225]

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[221] Rachel Eni et al., "Decolonizing Health in Canada: A Manitoba First Nation Perspective," International Journal for Equity in Health 20, no. 1 (September 15, 2021): 206, https://doi.org/10.1186/s12939-021-01539-7.
[222] Ibid.
[223] Ibid.
[224] Ibid.
[225] Ibid.

In BC, Canada, there are efforts to revive traditional wellness and decolonize healthcare. The primary aim of traditional wellness is to assist First Nations in preserving, integrating, and promoting their traditional medicines and practices. The ultimate vision is to enhance the mental, emotional, spiritual, and physical well-being of First Nations while strengthening the traditional healthcare system through collaboration between traditional healers and the Western medical system.[226]

As First Nations assume control over community health and wellness services, there's a chance to integrate practices and models that align more closely with the community's health priorities and perspectives.[227] Therefore, it is crucial to prioritize the integration of First Nations healing and wellness into health policies, programs, and services in a manner that is culturally sensitive and relevant for First Nations in BC.[228]

The First Nations Health Authority (FNHA) is committed to an ongoing dialogue with communities to understand what is functioning effectively and what needs improvement. This continuous conversation ensures that First Nations' viewpoints and priorities play a central role in reshaping programs and services, as well as broader efforts to develop strategies and advance health initiatives in collaboration with partners.[229]

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[226] "Traditional Wellness and Healing," First Nations Health Authority, accessed October 3, 2023, https://www.fnha.ca:443/what-we-do/health-system/traditional-wellness-and-healing.

[227] Ibid.

[228] Ibid.

[229] Ibid.

Reconciliation Efforts Internationally

A wide range of different initiatives are part of government reconciliation efforts with Indigenous peoples in Australia, Canada, New Zealand, and the United States. These efforts are all geared towards enhancing relationships and resolving issues and disputes from the past. The criteria for effective and coordinated action are shown by comparing these nations' efforts to address reconciliation. The analysis will also show how each nation and the Indigenous communities may create a well-informed, responsible, and effective strategy for reconciliation.

Canada:

Reconciliation in Canada is dependent on how well the federal government gets along with Indigenous peoples. The phrase now refers to initiatives taken by people and organizations to increase public awareness of colonization and its continuing consequences on Indigenous peoples.[230] Additionally, efforts to rectify the injustices brought on by various colonial policies and programmes, like residential schools, are referred to as reconciliation. The phrase is a chance for people to take stock of the past, find healing, and set things right. Others, however, believe that the contemporary acts of reconciliation are largely symbolic and do not actually address the injuries brought about by colonization.[231]

The Truth and Reconciliation Commission (TRC) of Canada was established as part of the Indian Residential Schools Settlement Agreement in 2008 and operated until 2015. The TRC's mission was to record the history of the Canadian residential school system and the grave harm it caused to Indigenous peoples.[232] Native American children were separated from their families and put to government-run schools as part of this programme. The youngsters suffered victimization in a variety of ways, including the taking away of their culture and all that they knew. More than 160 years were spent on this programme. In Canada, the final residential school didn't close until 1996.[233]

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[230] "Reconciliation in Canada," n.d. https://www.thecanadianencyclopedia.ca/en/article/reconciliation-in-canada.

[231] Ibid.

[232] Canada, Government of Canada; Crown-Indigenous Relations and Northern Affairs. "Truth and Reconciliation Commission of Canada." Administrative page, December 14, 2015. https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525?wbdisable=true.

[233] Ibid.

Following the TRC's Calls to Action, educational institutions—particularly elementary and secondary schools—made some of the more notable adjustments, including extensive curriculum revisions that now reflect the history of residential schools.[234] The adoption of significant modifications that aim to enhance their interactions with and treatment of Indigenous people has been slower in other institutions, such as child welfare organizations, the health care, and justice systems.

Canada's history includes residential schools, which are one of the ways our nation practiced cultural genocide. It is crucial that we as a country discuss this and hear the testimonies of people who were affected by these atrocities. Only by acknowledging the seriousness and ongoing consequences of our nation's past can we begin to move forward and develop by learning from our mistakes as a collective and as individuals.[235]

Despite the Commission's conclusion, there is still much to be done in our nation to promote reconciliation. Indigenous people in Canada have experienced a great deal of personal, societal, and intergenerational trauma as a result of colonization, especially residential schools. There is a lot of work left to be done, both individually and collectively.

The United States of America:

According to the US Constitution, treaties, judicial rulings, and federal regulations, the US has a special legal and political connection with Indigenous groups known as Indian tribes and Alaska Native entities. The Bureau of Indian Affairs serves 1.9 million American Indians and Alaska Natives who are members of 566 federally recognized tribes in a government-to-government partnership.[236]

The Bureau of Indian Affairs (BIA) operates within the Interior Department. Within the Bureau of Indian Education, 42,000 primary and secondary students are enrolled in 183 schools. This system also encompasses 28 tribal colleges, universities, and post-secondary institutions.[237] The BIA is responsible for a diverse set of programs, including social services, natural resource management on trust lands, economic development initiatives, detention services, administration of tribal courts, implementation of land and water claim settlements, housing improvement, disaster relief, and infrastructure replacement and repair.[238]

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[234] Ibid.

[235] "The Residential School System," n.d. https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/.

[236] "Frequently Asked Questions | Indian Affairs," n.d. https://www.bia.gov/frequently-asked-questions.

[237] Ibid.

[238] "Division of Natural Resources | Indian Affairs," n.d. https://www.bia.gov/bia/ots/dnr.

New Zealand:

As a result of their treaties and campaigning, the Maori of New Zealand have a set procedure for participation in the management and development of land and natural resources. The 1993 New Zealand Te Ture Whenua Maori Act, which is also a key element specified in the UNDRIP, provides opportunities for development that are visibly more paired with community interaction.[239] This is demonstrated by increased engagement in activities involving dispute negotiation and settlement as well as by Maori leaders' increased prominence within these frameworks. Maori were active participants in expert panels rather than being acknowledged merely as signatories. Five proposals were produced in 2013 as a result of this participation and collaboration that promoted the transparent and involved development of Maori land and resources.[240]

For the purpose of settling Maori historical claims, New Zealand has implemented a very organized and cooperative programme. To assist the New Zealand Government in establishing fair practices, prior engagement is essential. The 1840 Treaty of Waitangi, which has been advanced through Maori activism, and land disputes have received the majority of attention. The 1975 Treaty of Waitangi Act gave Maori claims against the Crown a foundation and included language rights. As a result, Te Reo Maori was made an official language and the Maori Language Commission was established by the government.[241]

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[239] "Comparative Approches to Reconciliation ," n.d. https://www.mcgill.ca/isid/files/isid/pb-2015-03_0.pdf.
[240] Ibid.
[241] Ibid.

Questions to Consider:

- How much historical claim should be recognized for Indigenous land rights? How should the current government propose a resolution that respects the unfair dealing that took place in the past with current ownership of the land if it is private property?

- In the case of underdeveloped countries, how can they undergo development projects without putting the Indigenous lands in danger?

- Can there be a watchdog for the process? Should there be a global community that overwatch's the underdeveloped countries' development by exploitative companies?

- How can there be effective policies to make sure indigenous people aren't kicked out of their land and livelihoods endangered?

- Should Indigenous governance be recognized? If so, to what degree? Can they have their own justice system and own laws? What happens in the case that it contradicts the local governments? What happens in the case they want independence?

- What could be possible reasons for countries disallowing Indigenous governance or territorial autonomy? Do the reasons differ for authoritarian regimes? Does Indigenous governance and territorial autonomy lead to independent states and ultimately territory disputes?

- Is Indigenous governance necessary? Did the need for it rise in the absence of representation in the local government?

- What should decolonization in Indigenous communities look like? Does it differ in Western countries and former colonized countries?

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