



UNDP

Background Guide

Agenda:

**Discussing the Preservation of
Indigenous Lands, with Special
Emphasis on Maritime South-East Asia**

PWS MUN

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Dear Delegates,

It is an honor for us to be chairing the United Nations Development Program at the PWSMUN 2020. The issue for discussion is of grave importance and hence comes under the mandate of discussion of the UNDP.

As part of the United Nations Development Program, it is important for committee members to weigh ethical, political, and economic implications before putting forth recommendations. The committee should discuss policy reforms to combat the critical issue of indigenous land rights, land use and resource management. The measures must promote accountability and access to justice indigenous people.

We hope that this committee will be able to do justice to the topic. We wish all delegates the very best and look forward to meeting you at the Pathways MUN 2020.

Regards,
Executive Board,
UNDP,
Pathways MUN 2020

Brief Overview

The South-east Marine Region brings together three of the large marine ecosystems: the South-eastern, the South Tasman Rise and Macquarie

The clash between industrialized societies and indigenous people is nothing new – exploitation of resources for monetary gain goes back centuries. What is fresh is an emergent recognition by conservation bodies that native people and their sacred lands demand greater protection and respect.

In an attempt to build support for their sacred lands, a delegation of around two dozen (mostly) indigenous people from ten countries participated in the International Union for Conservation of Nature (IUCN)'s World Conservation Congress in Hawaii in September, 2016. A fundamental theme of the Hawaii-hosted WCC, which drew over 10,300 participants from 192 countries, was the vital part indigenous people play in protecting biodiversity, ecosystems, and in preserving native knowledge.

At the same time, the innate rights of indigenous peoples to their lands and resources and to their full and efficient participation in decisions relating to their lands, resources and livelihoods have been reflected in a number of international documents and mechanisms, most recently in the UN Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007.

These remarkable advances do not mean, however, that the struggle of indigenous peoples for their rights and concerns when it comes to lands and natural resources is over. At the international level, indigenous peoples' voices are still often marginalized, and vital native interests not taken into consideration when formulating policies. But it is at the national and local levels that indigenous peoples face the most devastating challenges in protecting their environmental rights from structural bias, corporate interests, globalization, etc., and in adapting their livelihoods to climate changes.

Land Dispossession

Dispossession of indigenous lands is one of the main problems faced by indigenous peoples all over the world. This process has been going on for centuries, primarily as a result of the intrusion of colonial systems and the ever-rising search for rich agricultural areas and natural wealth; today, as a result of development policies and globalization.

The lack legal frameworks resulted in disruption to their traditional land tenure, degradation of land and/or resources, lack of recognition of territorial rights, insufficient and inequitable land allocation, lack of effective mechanisms for conflict resolution, inefficient official land registers, and difficult procedures for land demarcation and titling. These factors have generated local tensions over land tenure and lack of access to productive lands, which impacts the economic and socio-cultural stability of indigenous peoples and their communities.

Even where indigenous peoples have legal title deeds to their lands, these lands are often leased out by the state as mining or logging concessions without consultation of indigenous peoples, let alone their liberated and prior informed consent. The lack of legal security of tenure remains a crucial issue almost everywhere.

A general trend of promoting individual land ownership at the expense of collective land rights is another threat to indigenous communities. This results in the privatization of land and resources and, more seriously, in land being sold to non-indigenous individuals and business interests—ultimately leaving the landless indigenous people with few options other than to take up menial jobs or migrate to urban areas.

Large-Scale Development Projects

Southeast Asia's 150 million Indigenous Peoples face increasing challenges due to rapid development, climate change, displacement and lack of recognition of their traditions and practices, which are often criminalized.

International agencies promote certain economic policies, which are also triggered by

free-trade agreements and globalization, and result in proliferation of large-scale development projects on indigenous lands and territories.

Such projects cover a broad range of activities: the large-scale exploitation of natural resources, as well as subsoil resources; the establishment of plantations and industrial plants; tourist developments; and the construction of ports, transportation networks, multipurpose dams, military bases or toxic waste dumps.

Evidence shows that indigenous peoples tolerate the costs of the resource-intensive projects disproportionately, and the human rights effects comprise of loss of traditional territories and land, eviction, migration and eventual resettlement, depletion of resources necessary for physical and cultural survival, destruction and pollution of the traditional environment, social and community disorganization, long-term negative health and nutritional impacts as well as, in some cases, harassment and violence.

Forest Issue

Forest plays an essential part in ensuring the physical, cultural, spiritual and economic well-being of indigenous people by giving them access to secure means of subsistence, medicinal plants and the ability to practice their customs. However, all this is in severe jeopardy as their forest refuge is increasingly being degraded, destroyed or placed off-limits. Logging is the most prominent cause of deforestation, but agri-business, large-scale infrastructure projects such as hydroelectric dams and gas and oil pipelines, oil exploration and mining operations are also taking their toll.

In order to counter this issue and save the last large forest systems, efforts have been made over the past few decades to establish national parks, game reserves and other forms of protected areas. But whether or not logging, large-scale development schemes and conservation are being considered, indigenous peoples have, for the most part, paid a high price.

As the plants and wildlife disappear along with the trees, the subsistence base of forest-dwellers disappears too, and forces them to abandon their traditional ways of life based on hunting and gathering. The same happens when their forests are turned into protected areas and they are no longer allowed to reside there or gain access to the forest's natural resources. Whether evicted, involuntarily displaced or forced to find their subsistence elsewhere, these indigenous peoples become landless squatters living on the fringes of settled society. They receive no compensation or other reparation for their losses, and in order to survive, they are forced to farm the lands of others in arrangements that are often functionally equivalent to bonded labor. Many of them eventually end up in urban slums.

Very few countries have included considerations regarding forest-related traditional knowledge in their forest policies. There are critical problems of an overlap of logging concessions with traditional territories, as well as problems of illegal logging on indigenous peoples' lands. In other instances, indigenous peoples have been arrested and jailed for carrying out customary activities on lands that were declared conservation forest.

Threats of Fortress Conservation

As of 2018, there were 230,000 protected areas registered in the World Database of Protected Areas (WDPA) (up more than nine per cent from 2014). While the figure of protected areas has steadily increased over the last decades, there is a lack of data on the accurate number of protected areas that has resulted in the eviction of indigenous and local communities.

Not all protected areas are identical in terms of the management objectives and human uses that they permit. The International Union for Conservation and Nature (IUCN) has established a classification system that sorts protected areas into six categories. Four of the six categories are considered "strict" protected areas, meaning they impose strict restrictions on local communities' access to and use of the resource base.

As of 2016, less than five per cent of the world's protected areas were managed and preserved by indigenous peoples and local communities. This is of particular concern bearing in mind the establishment of protected areas disproportionately impact indigenous peoples. It also speaks to the dominance of colonial conservation.

Instead of gratifying indigenous communities for protecting their territories while occupying them, "they are commonly and increasingly evicted and mistreated due to prevailing assertion on 'fortress conservation'. The increasingly militarized approach propagated by the conservation establishment creates hostility towards indigenous communities, who are cast as criminals, poachers, and squatters on lands they have traditionally and sustainably taken care of for centuries, if not longer.

Myanmar

"Ridge to Reef" project – funded by the Global Environment Facility with support from the Smithsonian Institute, the Myanmar government has created a rift between the indigenous people and the UN. Local Indigenous and land rights activists contend that when the U.N.'s development program designed the conservation project, the organization didn't adequately consult with communities, violating the right of free prior informed consent under the U.N. Declaration on the Rights of Indigenous Peoples.

Conclusion

Since the Earth Summit in 1992, interest in the rights of indigenous peoples in relation to the environment has continued to grow. There is now a better understanding of the importance of traditional lands and natural resources for the economic, cultural and spiritual survival of indigenous peoples, and indigenous values, knowledge and perspectives are increasingly respected as vital contributions to the renewal of society and nature.

At the local and national level, however, indigenous land rights, land use and resource management remain critical issues. The environmental damage to indigenous lands and territories has been substantial: flora and fauna species have become extinct or endangered, unique ecosystems have been destroyed, and rivers and other water catchments have been heavily polluted.

Questions A Resolution Must Answer (QARMA)

- What necessary actions must the international community take in order to curb the problems faced by the indigenous population in South East Asia?
- What are the major goals the UNDP needs to achieve and address in relation to the land development projects?
- How can the UNDP ensure effective establishment of development projects while taking care of the preservation of the indigenous lands in South East Asia?

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