



**AP:** Advisory Panel on the Question of Latin America

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**Issue:** Guaranteeing the rights of indigenous people in South America

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Committee: Advisory Panel

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## I. Introduction

The recognition and protection of the rights of indigenous people has been a perpetual struggle throughout the history of their communities. This continuous pattern has its roots lying deep within the history of South American Indians and the Spanish and Portuguese colonization of South America, initiated with the Treaty of Tordesillas in 1494. It is known that since the start of this European exploitation, the population of indigenous people everywhere has declined. The spread of newfound contagious diseases, as well as tribe enslavement, are just two of the major reasons for the diminishing populations among many coastal countries within the South Americas. The most famous of the now-extinct tribes is the Incan Empire. Despite such horrific figures of the past, indigenous people were slaughtered or forced to leave their tribes, land, and culture behind; many of them currently live in South American countries. The map shown in Figure 1 depicts how the indigenous tribes are spread over the countries of South America.



Picture 1: Map of South American Indigenous Tribes

According to the World Bank, countries with the most indigenous populations today include Mexico, Guatemala, Peru, and Bolivia. With the beginning of the 20th century, many states claim to have restored the rights of indigenous people. The Declaration of the Rights of Indigenous Peoples (UNDIR) in September 2007 set five minimum standards of the rights of indigenous people that became binding on states: the right to non-discrimination, the right to social development and well-being, the right to cultural integrity, the right to own, use, control and access land, territories and natural resources and, lastly, the right to political participation. Nevertheless, the application and maintenance of such rights in the modern world is highly questionable as many communities face extreme poverty, social, economic, and racist exclusion within and outside of formal institutions, reducing levels of employment and boosting constant fear of extinction. At present, indigenous people with a presence of 8 percent over the whole population represent 14 percent of



the poor and 17 percent of the extremely poor in Latin America. Currently, among the many struggles of indigenous societies are also the crises caused by COVID-19, such communities are the most vulnerable to extinction as previously seen with influenza and H1N1. However, their governments have chosen to ignore their needs. Therefore, it can easily be said that many South American governments have failed to be competent in fulfilling their populations' needs.

## II. Involved Countries and Organizations

### Mexico

There are approximately 25 million Indians who currently live in Mexico or around 21.5% of its population. Although Mexican legislation approves self-identification, the struggle for the legal rights of the indigenous population has been a never-ending fight for the tribes living within the borders. Their presence has only been one of the attention-receiving topics for this late century while government officials and courts were oppressively denying their legal recognition for land rights in the past. The land claims have never been openly refused by the government; nevertheless each and every trial has led to suspicious, and never ending court processes. The reason behind this can also be associated with the existing secular corruption within the governmental institutions. Society already lacks trust in the police and other law enforcement. Approximately 75% of all judges were found to be corrupt according to a report published through Stetson University. Mexican law enforcement institutions freely act upon their or other powers' will as a result of their corrupt systems. This corruption is evident through cases that are unnecessarily lengthened or the scapegoats that are sent to prison to cover up the real conflict. This causes many indigenous individuals to either run out of financial affordability until the end of the "lengthened" trial, or be imprisoned for crimes they haven't committed.

The distinction between landowners and businessmen, and indigenous groups is especially significant in Mexico. There were constant confrontations between the indigenous population and landowners/government officials. Unable to obtain the traditionally important land and the overlooked demands, South American Indians resorted to violence against such authorities. On the land that is legally owned by third parties, the indigenous side again became the 'offender'.

### Brazil

Brazil, one of the biggest countries of South America, is also one of the countries that experienced the greatest indigenous numbers lost to slavery, epidemics and violence. The population which was then in the millions is now estimated as around 900,000 people or about 0.4% of the total population, as seen in



the national consensus of 2010 which also shows that most of this population is spread across the Amazonian region.

The diversified population has been an issue in Brazil ever since the Portuguese colonization over its 500 years. In Brazil, an indigenous person is identified as any person who defines herself as an indigenous person due to their historical links to any Indian ancestry. Therefore, the classification of individuals depends mostly on their self-determination, thus the diversification of the population.

Although the Supreme Court has agreed to the demarcation of their lands, Indians still suffer from great threats directed towards their lifestyle. The Guarani-Kaiowa community in Mato Grosso do Sul, dwells in extreme poverty with a high risk of suicides because of the permanent denial of their inherited lands and the expansion of agribusiness. Some other tribes also mention violations including the use of force and torture from federal authorities regarding their territorial rights.

Jair Bolsonaro, former captain of the Brazilian army, was elected to be the president in the elections of October 2018. Some believe that his election directly threatens the political and social existence of the indigenous population, as they try to open up indigenous land and resources for the interests of businesses and landowners, revoke legal processes of demarcation, and deactivate FUNAI (National Fund for Indians). Along with such actions taken, Brazil has also faced many Indian protests throughout the COVID-19 isolation period, as according to APIB, only 5.2% of the Brazilian population died of COVID-19 while 9.1% of indigenous Brazilians passed away. The protests were first initiated in August as a result of a lack of protection, including the highway blocking of August 18. They face risks of receiving very limited basic medical supplies from the government such as masks in addition to intensive care units.

## Colombia

The indigenous presence in Colombia has been reported to be involved in many illegal activities by the national and international society over the years. As a result, there is a wide, discriminative gap between the two populations of indigenous people and Colombians. Recently, there have been many talks accusing the Minga<sup>1</sup> of “besieging” Cali<sup>2</sup> and using violence against other Colombian citizens. The President has addressed the issue to say that they should “return to their territories and avoid unnecessary confrontations” (Schaefer, 2020) since Indigenous people may have it even worse than the Colombian population, 300 indigenous leaders killed since the Colombian federal peace agreement.

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<sup>1</sup> “Minga is a word of Quechua origin that refers to a collective effort for the common good. It is associated with the motions of everyday life in communities where land is collectively owned. In the past few decades, mingas have served an additional function for Indigenous groups in Colombia: a means to organize their protests against “invading forces” through song and willingness to fight for a better country.” (Laurent, 2019)

<sup>2</sup> A city in Colombia





In Colombia, Indians are widely rejected by social structures because of underlying racial motivations. Distribution of inherited land and discussions over whether or not to abide by the laws that killed many of them is still an issue in the region. The hunting and killing of indigenous people in Colombia has only become a topic of discussion since the end of the 20th century.

The Colombian population thinks that the indigenous population has been resettled into the cities to block the food supply, disseminating the Colombian law to apply their own, and forming guerillas for drug trafficking. It is said that the former Revolutionary Armed Forces of Colombia--People's Army (FARC) and The National Liberation Army (ELN) armed groups have formed once again in Cali. The recent case of the Alternative Indigenous and Social Movement (MAIS) is an example of an uprising of Colombian indigenous people as a result of such ungrounded, racially motivated accusations.

## Peru

The Aprista Movement is a movement initially formed in Mexico, yet highly troublesome within Peruvian politics thanks to Haya de la Torre, its founder. The American Popular Revolutionary Alliance (APRA), also called the Peruvian Aprista Party, was the political party aiming to reunite indigenous communities across borders and eliminate imperialist exploitation of indigenous capabilities. It was also an anti-capitalist institution that approved planned economy and nationalized resources. The military junta of 1930 overthrew Haya de la Torre and although the APRA refused the result of the elections, they were taken from the presidential effective duty. The 1932 Aprista Insurrection in Trujillo is a result of this conflict, a vicious fight between the APRA and Armed Forces of Peru. Hundreds of Apristas were detained and thousands were executed. Haya de la Torre was later on exiled into Colombia for political asylum. The case was carried into the ICJ as it became a subject of high dispute, even today, between the Colombian and Peruvian governments because the Colombian side claims to have the right to offer asylum under local customs of Latin American states.

Today, the Peruvian authorities have been seen to violate numerous basic human rights of the indigenous population during one of the protests, documented by the observers of Amnesty International on 5 June 2009 (can be found under the *Useful Links* section) . The use of excessive force by state officials, especially on defenceless people or people in need of medical attention was what caught the attention of Amnesty International, alongside other severe cases of discrimination and the unnecessary use of firearms.

[The Coordinator of the Indigenous Organisations of the Amazon Basin \(Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica, COICA\)](#)





The Amazon region covers approximately 7.6 million square kilometers of an area within the South Americas and is home to many different indigenous tribes. 400 different groups of indigenous people currently inhabit the region, and COICA is the most successful of the many organizations who have attempted to both preserve the environmental status of the rainforests and the people's way of life, tightly correlated with their cultural values. The organization was founded in 1984 and is the international representative of nine other national sub-organizations of the Amazonians, some being Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP), La Amerindian Peoples Association (APA) etc. COICA later on became known best for its environmental alliances, such as the Climate Alliance initiated to save the Amazon Basil and other alliances including WWF and UNFCCC.

### Indian Council of South America (CISA)

Although this is an NGO, it has been working closely with several UN organizations to seek the unity and perseverance of the indigenous population as well as their rights to justice, development, peace, and autonomy. It is the South American branch of the World Council of Indigenous Peoples (WCIP). Since its establishment in 1980, CISA has fought with the colonial centers of power under the vision of establishing ethnic unity and a liberated population. In 1983, the South American Indian Information Center (SAIIC) was formed in California for supporting CISA and other South American Indigenous movements.

CISA has collaborated with many UN organizations including the Economic and Social Council (ECOSOC), The United Nations Educational, Scientific and Cultural Organization (UNESCO), Food and Agriculture Organization (FAO), and World Health Organization (WHO). It has had a huge impact on gaining an international voice for South American indigenous interests and the exchange of information on global platforms. However currently, the last action known implemented by CISA was seen in 2017.

### Organization of American States (OAS)

OAS is one of the key elements of indigenous rights on an international level as there are two mechanisms for the protection of their rights: the UN system and the Inter-American Human Rights System of the OAS. Around the 1980s, with the same agenda was formed the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACHR). Distinctively from the UN, OAS uses the Inter-American Court to come up with binding rulings for States and maintain international legal order on the topics regarding American Indians as a whole.

As of its international stance and order, OAS is a related and capable organization to rely on this issue. They have previously taken part with the preparation of the American Declaration on the Rights on Indigenous Peoples, which supports the UN Declaration with additional points recognizing their abundant





presence in the Americas. This OAS report estimates that 50 million indigenous descendants currently live in Latin America. As one of the only international recognitions of the South American indigenous communities, their international capabilities are also very useful for the experts and can easily be legally integrated using the Inter-American Court of Human Rights.

### III. Focused Overview of the Issue

When the Spanish and Portuguese soldiers first arrived at the South American lands in the colonial eras, the Incans, Aztecs, and Mayans were the biggest tribes present within the current borders of Bolivia, Mexico, Guatemala respectively. Discovering the treasures hidden in the natural world of South America, the Spanish and Portuguese initiated the colonization of the region with the notion “terra nullius” (no man’s land), bringing forced labor, inhuman punishments, and slavery along with it. New diseases were also introduced amongst the unaware tribes of South America, including smallpox, measles, typhus, yellow fever, and malaria. Most believe that the exploitation of this area was the foundation of the Industrial Revolution and initiated modern capitalism in Europe, as the now indigenous worked to grow food, make food and produce much other sustainable labor to be transported into the functional colonial system.

Starting in the republican period of the 1790s, the indigenous expected independence from the Spanish and Portuguese forces. Racist European fears prevented them from allowing indigenous liberation, causing insurrection in the Andes, and the revolt of the anti-slavery fighters of The Indigenous Army (the Army of Saint-Domingue) in Haiti. Although such rebellions helped ‘eradicate’ indigenous slavery, they encouraged the formation of similar terms such as peonage. Peonage, or debt bondage, is a form of servitude in which the laborer puts the labor force in the market without a previous arrangement regarding the method of payment, making the laborer completely dependent on the employer. The people called *mestizaje*, who were the mixed indigenous and European generation, were constantly discriminated against for their racial background, and participated the most in the liberation of indigenous people. This is also the time in which the first forms of indigenes (see the Key Vocabulary section) surfaced.

#### 1. Legal Status of Indigenous People

Many of the Latin American countries of the South have already established laws regarding indigenous rights that do actually recognize many of the five basic rights established by the United Nations Institute for Disarmament Research (UNIDIR). Guatemala was the first (in 1985) to include a special provision for its indigenous population in its constitutions. Only the constitutions of Chile, Uruguay, El Salvador, and Costa Rica lack reference to the indigenous status. This is because Uruguay and Costa Rica have a much





smaller percentage of indigenous people within their borders, while Chile has adopted the Ley Indigena for the recognition, protection, and development of the Indians.

The lack of detail in even the existing constitutional provisions of South American states, may not imply carelessness. However, indigenous status depends on them being mentioned in the Constitution or legislation. This creates a special need for attention to detail. This leaves questions regarding the indigenous identification: whether it should be left to the individual, or to a related third party such as a governmental institution. In the past, it has always been left to third parties to decide and was open to abuse because of variables such as administrative practicality or political interests. Today, most nations apply a combination of both objective and subjective criteria. Therefore, each nation has various ways of identifying what is called 'indigenous'. Experts should be careful to research their own country's approach to the situation and try to solve this issue by recognizing that the appropriate identification of an Indian is necessary for their legal, social, economic, political, and therefore overall representation.

There is also the issue of indigenous courts and how to orientate the jurisdiction system accordingly. South American Indians have many social structures, cultures, and norms differing from the national institutions' generalized ones for the average Caucasian population. Therefore, there is an unanswered question regarding whether or not to have two different jurisdictions for the two separate cultures. In some Andean countries, the constitutions allow indigenous authority figures to apply their own jurisdictional functions regarding community affairs, such as the lack of recognition in state institutions of Peru for many years. However, when the case is that the systems aren't separated, the positions of Indians in the proceedings create obstacles such as the language of the administration and the lack of familiarity of government and judges with customs and other societal rules. In the past, Indian customs have always been overlooked by courts to overpass this complicated system, therefore usually resulting in unjust jurisdictions regarding indigenous cases.

Alongside the legal issues regarding their identity, South American Indians also have troubles regarding the rights to ownership of their traditionally inherited land. The importance of land is undeniable for them, as of their special historical and customary relationship with the land. Most lands that were traditionally owned by South American Indian ancestors have been left to the government because of maladjustments of indigenous land legislations. Indian ancestral lands have the need to be cared for by Indian customs of land use, which may contravene with the general legislation of property. Also, most contemporary legal systems require registered titles for land ownership, which is hard for indigenous people to obtain since they inherited such land from their ancestors. Specifically, in Mexico and Colombia, this issue has gained attention in recent years, where indigenous people overcame many governmental obstacles while also gaining legal land recognition rights. Other land problems may also occur as a result of the





hunter-gatherer nature of tribes with no permanent settlement areas. These are mostly the tribes of the Andes and Mexico. Delegates should also bear in mind that the recent Latin American constitutions explicitly prohibit the resettlement of indigenous communities, as well as overlooking the exploitation of natural resources which are to be found in Indian territory and is often confiscated by the State.

Political participation has also turned into an issue of legality as legislation only includes general mentions regarding Indian rights of newly-formed institutions and participation in political and administrative decisions on both local and national levels. The Colombian Constitution of 1991 and Venezuelan Constitution Article 7 are the only ones to specifically go into detail on this issue. Nevertheless, most other states only recognize the existence of indigenous organizations that will function solely on intra-community municipal matters.

It is only in recent years that many indigenous institutions have initiated their fight for self-determination, a matter relating to the recognition of their culture, history, and language. COICA and CISA are examples of organizations that do so while also attempting to reunite indigenous populations across borders. The International Indian Treaty Council is a similar example from the US, achieving to get indigenous people into the Unrepresented Nations and Peoples Organization. This issue is highly related to their traditional relationships as well, because of the importance of their land, territorial and natural presence with self-determination. Limitations regarding their rights on the listed topics are the focus of autonomous movements in the region.

## 2. Conditions of Indigenous People: Healthcare and Education

Lifestyle and conditions are also a party of importance within the indigenous traditions, as they conceptualize the applications related to their cultures such as *ñandereco* (harmonious life), *qhapaj ñan* (noble path), and reciprocity, unity, respect, complementarity, dignity, harmony with nature, etc. Their lives are based on concepts, keeping happiness and well-being as top-scale importance. Nevertheless, their case seems to be treated differently than expected. As a result of severe structural and racial discrimination and impoverishment, they struggle to reach hospitals and obtain adequate medical support. Although UNDRIP recognizes their right to health, they have not yet fully been integrated into societies nor application, and it is unclear when they will be. South American Indians experience daily fatalities with both communicable diseases, such as tuberculosis, and non-communicable diseases such as diabetes. Research shows that diabetes is an illness common to indigenous people, associated with malnutrition and obesity. Mental health is especially known for its hardships for Indians, as facing as many problems of violence, poverty, exploitation, resettlement, underrepresentation, discrimination, and ethnocide/genocide all





carry psychological repercussions. Alcoholism, drug abuse, depression, and suicide are basic outcomes, mostly encountered among the young Indian generation.

Country	Non-Indigenous	Indigenous	Schooling Gap in Years
Bolivia	9.6	5.9	3.7
Ecuador	6.9	4.3	2.6
Guatemala	5.7	2.5	3.2
Mexico	7.9	4.6	3.3
Peru	8.7	6.4	2.3

"Picture 3: World Bank table of indigenous and non-indigenous years of schooling (Average years, 15 and older, latest year available)"

The right to education of indigenous people is another collective right partly disregarded by the modern educational systems. Despite the fact that most South American countries have developed themselves on ensuring youth education compared to past decades, ethnic, generational, and gender inequalities are once again seen in this area of life. Severe poverty is yet another limit on their educational rights.

With a special focus on data for women, it can be seen that primary education data regarding women between the ages of 15-19 has increased. Yet, ethnic, territorial, and generational expectations of indigenous life all work against the favors for female education. There is a sharper inequality between the urban and rural areas as well, differing from indigenous tribal territories, where life is more reliant around agriculture, to cities, where it's reliant on capitalism. The traditional roles and expectations from the female indigenous population may occasionally prohibit their educational life.

There are also several restrictions on the indigenous attitude towards education because of the idea that formal education "blunts the Indian culture" and is a more modernized approach for the Indian assimilationist off-reservation boarding schools. This is a largely misunderstood concept for the indigenous society, nevertheless not an ungrounded concern as a result of traumas in the past. A standardized education system can indeed result in modernity and globalization, yet may also cause loss of traditional languages and dialects. Despite the increase in the numbers of educated indigenous people recently in Latin American countries, there should also be an institutional framework to maintain bilingualism and cultural diversities for all levels of education.

As for the issue of poverty, the continuous pattern may be analyzed into saying that the rural areas of South America suffer impeccably as unemployment levels rise with increasing investment in urban areas. Mostly nationalized resources, restricted areas of employment, and public investment stable at a low added





Picture 4: Map of mining and hydrocarbon extraction in regions of indigenous presence

to geographic isolation all work against the odds of indigenous economic opportunities. Indigenous South American countries such as Bolivia, Peru, and Ecuador experience this at its most with their mountain land tribes.

### 3. Modern Challenges with COVID-19

Especially with the initial occurrence of the COVID-19 pandemic and constant lockdowns, the living standards of indigenous peoples of South America have been constantly disregarded by responsible governments and authorities. Similarly, during European colonization, their communal lifestyle and remote community is completely open to the unpreventable spread of the virus and rejects the isolation principles of the new normal. Their restricted access to medical supplies, the unavailability of technological education in rural areas, and increased food insecurity make it impossible for this communal lifestyle.

Indigenous communities rely greatly on their governments to support their social, economic, and medical existence with healthcare and employment handouts. With a mostly nationalized industrial presence, the population relies on government employment as well as on the bordering countries for medical and food provisions, which raise further risk due to COVID-19. Rising cases of this virus have failed to be diminished over this period, due to a lack of medical treatment and care.

Illegal mining and logging was already an issue of high risk for indigenous traditional existence of land resources, yet have increased during the COVID-19 pandemic. It is yet another exploitation of resources, stolen from the government and the tribes. Examples include the Yanomami indigenous territory (between the borders of Brazil and Venezuela, where 20,000 gold miners were accused of carrying out illegal mining operations during lockdowns and causing the death from COVID of three Yanomani individuals. A similar incident happened on the Peru-Ecuador border according to a complaint submitted by The Autonomous Territorial Government of the Wampis Nation (GTANW), representing 85 Wampis communities. The complaint focused on a Chilean petroleum company that did not test its employees for the virus before initiating its oil operations in the region, therefore risking the lives of many Wampis tribes. A request for “immediate concrete action by the government” for indigenous populations to stop extractive applications was also expressed by the indigenous authority figures of Peru. Nevertheless, it remained merely a request; such extractive activities continued and were even furthered by the government.





Illegal miners and loggers, often referred to as invaders, are encouraged by the pandemic to think that less policing within indigenous tribal regions during the pandemic could easily benefit them so continue their secret extractions. Indigenous rights NGO “Survival International”, has reported that different indigenous tribes from all over the American continents reach out to report the logger and miner invasions for the yet unextracted resources (see the *Useful Links* section for further information). Such operations not only exploit the underground treasures of Indian existence, yet also destroy the natural presence in the region through wood and forest lumbering and deforestation. All delegates should know that such activities are carried out without the consent of the inhabiting indigenous populations, also uncontrollably spreading COVID-19.

## IV. Key Vocabulary

**Indigenous People:** Also known as aboriginal people, indigenous people are the culturally and ethnically diversified parties of society who used to be natives within the borders of a country formed after its colonization. Although this is the generalized definition of an indigenous person, the “indigenous” identification in a country depends on the governmental constitutions or legislation passed by the authorities. Some countries may leave the decision of self-identifying as an indigenous to the individual, while some decide upon certain criteria set by the concerned governmental authorities.

**Aprista:** It is the name given to the members of the Apristan Movement initiated in Mexico in 1924 by Haya de la Torre, defending that the Latin American indigenous population should be unified and modern exploitation of indigenous resources should be hindered. Although their numbers have now decreased, most Apristas lived within the Peruvian borders, supporting the APRA.

**Indigenismo:** It is a cross-border movement initiated collectively within Latin American countries to defend against the social and political exclusion of indigenous people, especially in regions where they form the majority of its population. The Aprista Movement was highly influenced and therefore is considered a result of indigenismo.

**Self-determination:** Deduced from the psychological concept of self-management, self-determination is a right of each individual recognized by the United Nations Charter to legally decide upon their futuristic destiny. It is an issue of common discussion, a core principle of international law, especially in cases of minority populations such as the indigenous people of South America.

**Nationalization:** This is the operation in which a privately owned industry or establishment has been taken into possession by the government under state ownership. It is the opposite of privatization.





**Logging:** This is the action in which trees and forests are being cut down for the use of their wood for production methods, eventually resulting in deforestation.

**Military junta:** These are armed groups that have overthrown the government in power of a nation and have taken control at their hands, by force. An example is what happened in Peru, 1930, where the military junta ruled over after taking down the government of Haya de la Torre.

## V. Important Events & Chronology

Date (Day/Month/Year)	Event
1494	Start of Spanish Colonization of South America with the Treaty of Tordesillas
1810	Colombia becomes the first country to declare independence from the Spanish
1823	The announcement of the Monroe Doctrine by the US explicitly express that they won't allow further European colonialism in the region
1917	Mexican 1917 Constitution on indigenous rights (later on revised in 2015)
1924	Formation of the Aprista Movement in Mexico
1932	The 1932 Aprista Insurrection in Trujillo
1968	Formation of the American Indian Movement in the US and Canada
1980	Establishment of Indian Council of South America (CISA)
1982	Establishment of the Working Group on Indigenous Populations by the UN
1984	Establishment of The Coordinator of the Indigenous Organisations of the Amazon Basin (COICA)
1989	ILO Convention No. 169 on Indigenous Tribes and Peoples
2007	UN Declaration on the Rights of Indigenous People
2009	Bolivian Constitution on Representation of Indigenous People





2016	Adoption of American Declaration on the Rights of Indigenous People by OAS
2018	The election of Jair Bolsonaro as the Brazilian president was initiated following indigenous protests
2019	The first case of COVID-19 and the start of illegal mining and logging activities

## VI. Past Resolutions and Treaties

- [UN Declaration on the Rights of Indigenous People 2007 \(UNDRIP\):](#)

This declaration is aimed towards setting the minimum standards for the basic survival rights of indigenous people all around the world. It carries importance as indigenous people themselves took part in its constitution, including aboriginal and Torres Strait Islanders. Although it doesn't specifically target the South American indigenous population, it is one of the first steps taken towards establishing the minimum standards for the rights of indigenous people in the global world.

With four votes against, including Canada's then vote of against which has currently been removed in 2016, UNDRIP had been adopted by the General Assembly. Nevertheless, the delegates should bear in mind that this is a document that is both non-binding and still unratified.

- [ILO Convention No. 169 on Indigenous Tribes and Peoples:](#)

International Labour Organization is an UN-authorized organization that has been subject to the issue of indigenous people since the 1920s. This treaty was adopted in 1989 to ensure the empowerment of indigenous people in every aspect of their daily life.

Alongside UNDRIP, this is an extremely significant international legal framework established for the representation of the rights of indigenous people. It is the only treaty open for ratification and has also been ratified by 22 countries in Latin America.

- [the United Nations General Assembly Resolution 45/164:](#)

Adopted in 1990, it was established in 1993 as the "International Year for the World's Indigenous People". Its aim was to use international cooperation to resolve problems of legality, environment, education, or health for indigenous people. It also created the United Nations Permanent Forum on Indigenous Issues (UNPFII), a sub-body of the UN to mandate indigenous rights and standards.





- [American Declaration on the Rights of Indigenous People:](#)

This declaration has been approved by the Inter-American Commission on Human Rights (IACHR) in one of the ordinary sessions of the General Assembly of the Organization of American States (OAS). It can be recognized as an international and historical milestone, paving the way for the recognition and protection of indigenous societies in the Americas as a whole. The declaration has been prepared with the participation of indigenous representatives from tribes within the related region, therefore becoming closely related with the needs of the party of focus more than any other of its kind.

- [The International Covenant on Civil and Political Rights:](#)

This is a universal legal agreement to monitor its signatories' systems' capabilities in fulfilling the special political needs of its people such as demand for inherent dignity, democratic and political participation, cultural and linguistic expression as well as self-determination. This is highly important for the presence of indigenous rights as it bases their economic and political sovereignty and counts them as equals to fight for their political status, economic gains, or land.

## VII. Failed Solution Attempts

Most failed solution attempts regarding any indigeneity issue are almost always due to the lack of government knowledge, recognizance, and treatment of the minorities. The lack of platforms in which indigenous people are allowed to communicate their needs restricts their opportunities to better current conditions. Either due to systematic corruption, built-in racism, or conservative law enforcement, even states which allow indigenous people to voice their needs don't follow through with their promises. Since state authorities usually fail to consider the specific cultural needs of indigenous tribes and their lifestyle, this results in the misapplication of initially willful solution attempts, as well as misunderstandings between the two parties.

A specific attempt by the UN to restore the indigenous rights includes the UN Working Group on Indigenous Populations, which was established in 1982 as a body of the United Nations High Commissioner for Refugees (UNHCR) and revised the development of the freedom and international standards of indigenous people. It was decided that its mandate was similar to those of the United Nations Permanent Forum on Indigenous Issues (UNPFII) and therefore was discontinued, despite the fact that the indigenous people believed in its significance for the human rights of indigenous people since it is the only body within the UN to specifically represent their ideals.





The Alliance for Progress is also an international attempt to resolve the tensions between the indigenous and civil society of the United States population. John F. Kennedy had tried to build international economic cooperation between the Latin American countries and the US, nevertheless had failed miserably. This is mainly due to the reluctance of the Latin American states in implementing reforms to their culture, especially regarding the land. Also, other politicians of the time weren't as sure as Kennedy in implementing the program, and the most important: donated money wasn't sufficient for the development and maintenance of the entire Latin American indigenous population. Although The Alliance for Progress has also had many upsides to itself, such as reducing adult illiteracy, improving land use/distribution and the tax laws regarding or forming minimum wages for indigenous people, it had been official in the 1970s that it was a failure, since little to no economic advancement had happened in the region as a result.

Lastly, a recent attempt to tackle the issue during the COVID-19 pandemic included Centers for Disease Control and Prevention (CDC) COVID-19 Funds for Indigenous Tribes, by The United States. It has been applying a multidimensional method to distribute the \$ 219.5 raised among the Indian countries, seeming extremely accomplished at first. However, this seeming accomplishment is followed by the mere fact that the US government failed to honor its part in the agreement. As they did during the course of indigenous history, they didn't allocate the funds received effectively or underfunded the region even more through basic excuses such as budget cuts and neglect.

## VIII. Possible Solutions

As the "Failed Solution Attempts" clearly signifies the shortcomings of many methods previously thought to be transformative, a deeper look ascertains the reality that the pattern of failure is a result of lack of Indian representation during the formation of such ideas or methodology. Since the topic of indigeneity is an extremely broad and complicated one, the only way to build a persistent, long-term solution for the issue is through the inclusion of the indigenous party themselves in order to find permanent solutions to tackle the issue immediately and to honor their cultural heritage. This can be achieved through detecting evidence in which the voice of indigenous communities is forcefully being replaced by external figures of power and not providing the communities with alternative opportunities. As mentioned in the report, mostly it is the governments who speak on behalf of their indigenous communities on any platforms, national or international. This means that in order to build a powerful and achievable objective, Indian customary practices relating to the administration and legalities of their lifestyle, territorial rights, and civil rights must be taken into account.

It is also important to recognize that although there are only tribes of South American Indians, their culture differs according to the regional, environmental, or even national status of the indigenous people and





therefore has different needs and perspectives to be approached by. The best and least complicated way in doing so is to ensure the adequate and appropriate mention of indigenous legal representations within a state, either through a national framework or convention specified in detail. Although many South American countries today have conventions that 'recognize' indigenous people, the lack of detail is used for its ambiguity in following through in any legal processes, making any government-related solution ineffective and inapplicable. The compulsory elaboration of indigenous treaties is, therefore, a must; however, it should be carefully carried out without interference with national sovereignty.

Lastly, another reason for failure is the inability of both sides to follow through in agreement, the delegates can attempt to bring certain outcomes into agreements under international platforms. The issue of indigenous rights is an issue of humanities and is closely related to the debate over human rights as well. Conversely, the experts should recognize that almost none of the agreements or treaties mentioned has a legally binding status, with one side often retract before even meeting the standards of the document. Therefore, as under UN rulings, it is appropriate for agreements to be legally binding on such topics, constituting certain obligations and/or penalties for both sides during their preparation or after if it's a previous document.

## IX. Useful Links

University of California report on Latin American Indigenous Development:

<https://anthropology.ucsd.edu/people/faculty/faculty-profiles/Postero-Indigenous-Development.pdf>

UN ECLAC report on Indigenous Rights in Latin America:

[https://repositorio.cepal.org/bitstream/handle/11362/37051/4/S1420782\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/37051/4/S1420782_en.pdf)

The historical process of Latin American indigenous rights:

[https://www.researchgate.net/publication/331488640\\_Indigenous\\_Rights\\_in\\_Latin\\_America\\_A\\_Legal\\_Historical\\_Perspective](https://www.researchgate.net/publication/331488640_Indigenous_Rights_in_Latin_America_A_Legal_Historical_Perspective)

The Overall State of Indigenous People:

[https://www.zaoerv.de/59\\_1999/59\\_1999\\_2\\_a\\_497\\_528.pdf](https://www.zaoerv.de/59_1999/59_1999_2_a_497_528.pdf)

World Bank tables on Indigenous Data:

<https://documents1.worldbank.org/curated/en/327561468300536074/pdf/330200ENGLISH01Poverty1Exec1Summ1en.pdf>

Recent years in Latin American Indigenous Development:





<https://documents1.worldbank.org/curated/en/145891467991974540/pdf/Indigenous-Latin-America-in-the-twenty-first-century-the-first-decade.pdf>

Amnesty International Violations of Latin American Indigenous Rights and Solutions:

<https://www.amnesty.org/en/documents/amr01/004/2009/en/>

Amnesty International Report on Indigenous Rights Violations in Peru:

<https://www.amnesty.org/en/documents/amr46/3829/2021/en/>

Survival International Reports on Mining and Logging Activities on Indigenous Land:

<https://www.survivalinternational.org/about/deforestation>

<https://assets.survivalinternational.org/documents/1324/parksneedpeoples-report.pdf>

<https://assets.survivalinternational.org/documents/1683/how-will-we-survive.pdf>

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