



Social, Humanitarian & Cultural Issues (SOCHUM)

Topic 3: Indigenous rights and traditional knowledge

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1. Definition of key terms

Traditional Knowledge (TK): Refers to the collective, intergenerational knowledge, innovations, practices, and wisdom developed, sustained, and passed down by Indigenous peoples and local communities. Rooted in their deep connections to their ancestral lands, ecosystems, and cultural heritage, TK encompasses a wide range of areas, including agriculture, medicine, biodiversity conservation, sustainable resource management, spiritual practices, and oral traditions. In the context of Indigenous rights, traditional knowledge is not merely intellectual or cultural property but a vital expression of Indigenous self-determination and sovereignty. It embodies the history, identity, and survival strategies of Indigenous peoples and is inextricably linked to their rights over land, resources, and cultural heritage.

Aboriginal: A term used to describe the first inhabitants of Canada, including First Nations, Inuit, and Métis peoples. It is also used to refer to the Indigenous peoples of Australia.

First Nations: A term used to describe Aboriginal people with Indian status under Canadian law who are ethnically neither Métis nor Inuit.

Inuit: Refers to specific groups of people living in northern Canada, as well as parts of Greenland and Alaska, who are not considered “Indians” under Canadian law.

Métis: Refers to a person of mixed Indigenous (Aboriginal) and Euro-American ancestry, living especially in western Canada.

Indian: Refers to the legal identity of a First Nations person registered under the Indian Act. This term also relates to Indigenous peoples of North, Central, and South America.

Indigenous: A broad term used to include various Aboriginal groups. It is frequently employed in international, transnational, or global contexts. Within the UN, this term refers to people of long-

standing settlement and connection to specific lands who have been affected by industrial economies, displacement, and the settlement of their traditional territories by others.

Cultural Heritage: The legacy of physical artifacts and intangible attributes of a group or society inherited from the past.

Dispossession: The process by which people are forcibly removed or taken away from their land, economic base, way of life, and culture.

2. Introduction

Indigenous rights and traditional knowledge are at the centre of broader movements for social justice, cultural preservation, and environmental sustainability. Indigenous peoples have inhabited various regions of the world for millennia, maintaining unique cultures, languages, and lifestyles passed down through generations. However, these communities have faced historical and ongoing challenges such as colonization, land dispossession, forced assimilation, and marginalization.

In 2007, the UN adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to assert that Indigenous peoples have the right to self-determination, to freely pursue their economic, social, and cultural development, and to preserve and protect their traditional knowledge and practices.

Traditional knowledge encompasses the wisdom, practices, and understanding developed over centuries, rooted in a community's connection to its land and environment. It includes agricultural techniques, herbal medicine, spiritual practices, and ecological balance that have enabled Indigenous peoples to live in harmony with nature. Despite its importance, traditional knowledge is increasingly under threat from external forces like industrialization and environmental degradation, as well as cultural appropriation by non-Indigenous people. These threats hinder the preservation of Indigenous cultures and traditions.

3. Background information

The history of Indigenous peoples is deeply intertwined with colonization, which marked a period of profound dispossession and violence. For centuries, colonizing powers from Europe and other regions expanded their territories, often at the expense of Indigenous populations. This expansion was driven by the exploitation of natural resources, the spread of religious ideologies, and the economic incentives of imperialism.

Colonization disrupted Indigenous ways of life, as land was forcibly taken or claimed by colonial governments. Indigenous peoples, who viewed land as a communal and sacred resource, were often displaced to marginal areas with limited resources, eroding their ability to sustain traditional livelihoods. In regions such as the Americas, Australia, Africa, and parts of Asia, entire communities were uprooted, and their spiritual and cultural ties to ancestral lands were severed.

The imposition of foreign legal and political systems further marginalized Indigenous peoples. Colonial authorities often refused to recognize Indigenous governance structures, replacing them with state-controlled systems that ignored local traditions and undermined communal decision-making processes. Laws criminalized Indigenous practices, restricted land use, and treated Indigenous peoples as second-class citizens.

Additionally, the exploitation of natural resources on Indigenous lands was frequently conducted without consultation or compensation. The extraction of minerals, logging of forests, and large-scale agricultural projects not only devastated the environment but also displaced Indigenous populations and destroyed sacred sites. This economic marginalization ensured that Indigenous communities remained impoverished, even as their lands contributed significantly to the wealth of colonizing nations.

In the mid-20th century, as former colonies achieved independence, the rights of Indigenous peoples began to gain recognition on the international stage. This history of colonization remains deeply relevant today. The systemic inequalities created by colonization—such as land dispossession, socio-economic marginalization, and cultural erasure—continue to affect Indigenous peoples worldwide. Understanding this history is essential for addressing the ongoing challenges they face and fostering a future grounded in justice, equality, and respect for Indigenous rights.

4. Timeline of events

- 1957: The ILO (International Labor Organization) Convention No. 107

The ILO adopted this convention, the first international instrument addressing the rights of Indigenous and tribal peoples. It emphasized the integration of Indigenous communities into national societies.

- 1989: The ILO Convention No. 169

This convention replaced ILO 107, shifting the focus from assimilation to respect for the identity, culture, and rights of Indigenous peoples.

- 2000: The Creation of the UN Permanent Forum on Indigenous Issues

The UN established this forum as a high-level advisory body to address Indigenous peoples' concerns within the UN system. It provides a global platform for Indigenous representatives to engage directly with international policymakers, raising the visibility of their issues.

- 2007: The UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

This declaration outlines the individual and collective rights of Indigenous peoples, including self-determination, land rights, cultural preservation, and free, prior, and informed consent (FPIC).

- 2000s: Apologies from National Governments

Canada, Argentina, Belgium, California, Catalonia, Chile, Germany, Mexico, the Netherlands, New Zealand, Norway, Portugal, El Salvador, the UK, the US, and Australia officially apologized to Indigenous peoples. These acknowledgments of the wrongs of colonization and assimilation policies marked steps toward reconciliation.

- 2010: The Nagoya Protocol

An international agreement under the Convention on Biological Diversity, the protocol aims to ensure fair and equitable sharing of benefits arising from the use of genetic resources, particularly traditional knowledge held by Indigenous peoples.

- 2014: The World Conference on Indigenous Peoples

Hosted by the UN, this high-level conference reaffirmed commitments to Indigenous peoples' rights and adopted an outcome document emphasizing FPIC and participation in decision-making. It strengthened global efforts to implement UNDRIP and improve Indigenous representation.

- **2015: Establishment of the Indigenous and Local Knowledge Platform under the IPCC**

The Intergovernmental Panel on Climate Change (IPCC) formally recognized the value of Indigenous knowledge in addressing climate change, marking a significant acknowledgment of Indigenous peoples' role in sustainable environmental practices and climate resilience.

- **2016–2017: The Standing Rock Protests**

The Standing Rock Sioux Tribe led protests against the Dakota Access Pipeline, which threatened sacred lands and water sources. The tribe argued that the pipeline violated Article II of the Fort Laramie Treaty, guaranteeing the “undisturbed use and occupation” of reservation lands. Protests included runs, horseback rides, and marches, bringing global attention to Indigenous sovereignty and environmental justice.

- **2024: Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge**

This treaty mandates that patent applications involving genetic resources must disclose their country of origin or source. If traditional knowledge is involved, the applicant must identify the Indigenous peoples or local community that provided it. Genetic resources, such as medicinal plants and agricultural crops, play a crucial role in scientific research and innovation, while the associated traditional knowledge reflects generations of conservation and use by Indigenous communities.

5. Major countries involved

Canada

Canada plays a central role in discussions about Indigenous rights and traditional knowledge due to its historical relationship with First Nations, Métis, and Inuit peoples. Efforts at reconciliation include the Truth and Reconciliation Commission (TRC), established in 2008, which documented abuses of the residential school system and issued 94 Calls to Action. Indigenous communities in Canada are leaders in integrating ecological knowledge into contemporary conservation and climate strategies, such as controlled burns and sustainable hunting techniques. Despite progress, Canada continues to address socio-economic disparities, environmental concerns, and cultural preservation challenges faced by Indigenous peoples.

United States

The U.S. has a complex history with Native American tribes, Alaska Natives, and Native Hawaiians. Policies such as the Indian Removal Act (1830) led to widespread land dispossession and marginalization. Despite this history, Native American tribes retain a degree of sovereignty, allowing them to govern their own affairs on reservations, establish legal systems, and preserve cultural traditions. The U.S. has faced criticism for its history of broken treaties but remains active in Indigenous rights discourse through tribal sovereignty and advocacy for cultural preservation.

Australia

Australia's relationship with its First Peoples—Aboriginal and Torres Strait Islander peoples—is marked by a painful history of land dispossession and assimilation policies. The declaration of **terra nullius** by British colonizers in 1788 denied the rights of Indigenous inhabitants. Despite ongoing challenges, efforts at reconciliation, such as the recognition of land rights and the integration of traditional knowledge into environmental management, have gained momentum. Indigenous Australians continue to advocate for constitutional recognition, land justice, and

cultural preservation, playing a key role in shaping Australia's evolving relationship with its First Peoples.

6. UN involvement and previous attempts to solve the issue

The UN has played a pivotal role in advancing Indigenous rights globally, providing a framework for the recognition, protection, and promotion of these rights through international advocacy, legal instruments, and dedicated forums. This engagement began when the UN formally addressed Indigenous issues in the 1970s, recognizing the disproportionate challenges Indigenous peoples faced in accessing basic rights. In 1982, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities established a Working Group on Indigenous Populations (WGIP). The WGIP became a key platform for Indigenous representatives to voice their concerns on the global stage.

Additionally, it is important to mention the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. This landmark document establishes a comprehensive framework for the protection of Indigenous rights, including self-determination, land and resource ownership, cultural preservation, and free, prior, and informed consent (FPIC) on matters affecting Indigenous communities. While UNDRIP is not legally binding, it serves as a powerful statement of principles and a global standard for governments to align their policies with.

Key provisions of UNDRIP include:

- **Self-determination:** Indigenous peoples have the right to determine their political status and pursue their economic, social, and cultural development.
- **Land and resource rights:** The declaration recognizes Indigenous peoples' rights to their traditional lands, territories, and resources.
- **Protection of cultural heritage:** UNDRIP underscores the importance of preserving Indigenous languages, spiritual practices, and traditional knowledge systems.

Although adopted by an overwhelming majority in the UN General Assembly, a handful of countries initially opposed UNDRIP, including Australia, Canada, New Zealand, and the United States. These countries have since endorsed the declaration, though challenges remain in implementing its provisions at the national level.

7. Useful links

- <https://news.un.org/en/story/2024/05/1150231>
- <https://press.un.org/en/2019/hr5431.doc.htm>
- <https://www.ohchr.org/sites/default/files/Documents/Publications/GuideIPleaflet12en.pdf>
- <https://www.iied.org/why-traditional-knowledge-indigenous-peoples-rights-must-be-integrated-across-new-global>

8. Bibliography

- <https://indigenousfoundations.arts.ubc.ca/terminology/>

- <https://culturalheritagestudies.ceu.edu/concept-and-history-cultural-heritage>
- <https://americanindian.si.edu/nk360/plains-treaties/dapl>
- <https://news.un.org/en/story/2024/05/1150231>
- <https://www.cbd.int/access-benefit-sharing>
- <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>
- https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf
- <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples#:~:text=Since%20adoption%20of%20the%20Declaration,have%20also%20endorsed%20the%20Declaration>