

IMUN 2024 Research Report

Human Rights Commission Issue #3: The question of Indigenous peoples' rights to land and reparations.

Indigenous peoples' rights to land and reparations is a topical and imperative issue to be addressed in the world today. According to the United Nations (UN), "adequate, effective, and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered" ("Defining Reparations"). All this means that reparations are intended to balance the atrocities that occurred and make amends. However, to understand the necessity for reparations, it is important to fully comprehend the history that affected many movements today.

The struggle to achieve Indigenous peoples' rights began with colonialization. Colonialization is a violent process in which new settlers encounter a new land and takes it for its own, and then aggressively displace, control, and oppress the Indigenous peoples already inhabiting the land ("Impact of Colonization"). Besides their land, Indigenous peoples' culture is also removed, and they are forced to forget their identity. Alarming, around ninety percent of the Indigenous population was lost during the colonization period, between the years 1607 and 1775 and reparations are associated with decolonialization and tearing down exploitative policies while also assisting Indigenous peoples in restoring and reclaiming their land, culture, dialect, community, history, and traditions what were stripped away from them during colonialism ("How Colonization's"). It was not until 1951 where the oppressive laws Indigenous people were forced to obey were removed such as using European names, not speaking in their own language, or

practicing traditional rituals ("Impact of Colonization"). However, even though the laws were removed, the psychological effects and trauma they had to and still must endure was never properly addressed. While big steps have been made in restoring land to Indigenous people, bigger steps must still be made. At any rate, "at least 1.3 billion hectares (3.3 billion acres) of ancestral lands have not been recognized under national laws and regulations" ("Indigenous and local") which further proves how much is yet to be done to restore Indigenous land.

The UN has outlined five essential categories for effective and appropriate reparations. The first category is "Cessation, Assurances, and Guarantees of Non-repetition", which requires the responsible party to cease any harmful actions and provide guarantees that such acts will not occur again. The second category is "Restitution and Repatriation," which mandates that the responsible party restore the situation to its state prior to the wrongdoing, including reversing changes and restoring autonomy, freedom, identity, culture, citizenship, wealth, or returning land and properties. The third category, "Compensation," involves providing financial reparation for any economically quantifiable harm suffered, ensuring it is appropriate and proportional to the severity of the violation and its context. The fourth category is "Satisfaction," which includes measures such as apologies when cessation, restitution, and compensation are insufficient for full reparation, particularly addressing emotional harm. Lastly, "Rehabilitation" involves providing necessary legal, medical, psychological, and other forms of care and services ("Defining Reparations").

The question of returning land to Indigenous peoples and instilling reparations is crucial to repair damage caused while simultaneously preventing any future harm from happening. Society today is constantly searching for ways to amend the wrongs of the past and re-establish equity and fairness. In this debate, delegates should research the position of their own delegation and focus on the restoration of land and reparation methods to properly address years of mistreatment

towards Indigenous people. Delegates are expected to draft resolutions which specify what methods of reparation would prove most effective, the gravity of issues in need of reparations, and how land restitution can be managed, though these are merely guidelines.

Works Cited

"Defining Reparations." *M4BL*, www.m4bl.org/wp-content/uploads/2020/11/defining-reparations.pdf.

Accessed 22 May 2024.

"How Colonization's Death Toll May Have Affected Earth's Climate." *History*,

www.history.com/news/climate-change-study-colonization-death-farming-collapse. Accessed 24

May 2024.

"Impact of Colonization on Indigenous Peoples' Culture." *BC Campus*,

www.opentextbc.ca/peersupport/chapter/impact-of-colonization-on-indigenous-peoples-culture/.

Accessed 22 May 2024.

"Indigenous and local communities see big gains in land rights, study shows." *Mongabay*,

www.news.mongabay.com/2023/06/indigenous-and-local-communities-see-big-gains-in-land-rights-study-shows/.

Bibliography

"From Local Moments to Global Movement: Reparation Mechanisms and a Development Framework."

United Nations, www.un.org/en/local-moments-global-movement-reparation-mechanisms-and-development-framework. Accessed 24 May 2024.

"LAND REPARATIONS & INDIGENOUS SOLIDARITY TOOLKIT." *Resource Generation*,

www.resourcegeneration.org/land-reparations-indigenous-solidarity-action-guide/. Accessed 22 May 2024.

"Stress & Trauma Toolkit." *American Psychiatric Association*,

www.psychiatry.org/psychiatrists/diversity/education/stress-and-trauma/indigenous-people. Accessed 22 May 2024.