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**GENERAL ASSEMBLY PLENARY
BACKGROUND GUIDE 2014**

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NATIONAL MODEL UNITED NATIONS





Message from the Director-General Regarding Position Papers for the 2014 NMUN•Northwest Conference

At the 2014 NMUN•Northwest Conference, each delegation or individual delegate submits one position paper for each committee assignment. The position paper reflects the state's overall policy and position within a particular committee. Therefore, the role that a state plays in a given committee should inform the writing of the paper.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your state should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

Please be forewarned, delegates must turn in material that is entirely original. NMUN/NCCA will not tolerate the occurrence of plagiarism. In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. While quotes from UN or state documents are allowed and encouraged if clearly labeled as such, delegates may not use existing material to formulate their own policy within the committee. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incidents of plagiarism to the Secretariat.

Position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, delegates must have met the formal requirements listed below. Please refer to the sample position paper below this message for a visual example of what your work should look like at its completion. All papers must be typed and formatted in the same manner as this example. The following format specifications are required for all papers:

- Length must not exceed two single-sided pages (use standard size for your home region: A4 or 8.5 x 11 inches - US letter size).
- Margins must be set at 1 inch or 2.54 centimeters, for the whole paper.
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Body of the paper must be single-spaced.
- Country name, school name, and committee name must be clearly labeled on the first page.
- Agenda topics must be clearly labeled in separate sections.
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers.

To be considered for awards, position papers need to be submitted by email in .pdf or .doc formats by 1 February 2014. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, and delegation/school name in both the email subject line and in the filename (example: CSustD_Canada_Jupiter University).

1. Send one complete set of all position papers for each of your country assignments to the Director-General at dirgen.nw@nmun.org.

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents.
- General consistency with bloc/geopolitical constraints.
- Consistency with the constraints of the United Nations.
- Analysis of issues, rather than reiteration of the Committee Background Guide.
- Outline of official policy aims within the committee's mandate.

Should you have any questions please feel free to contact the Conference staff or myself. We are happy to answer any questions you may have, and are looking forward to working with you.

Sincerely,

Lucas Carreras
Director-General
NMUN•Northwest

Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. Papers may be no longer than two single-sided pages. Only the first two pages of any submissions will be considered for awards.

Delegation from
Canada

Represented by
University of Jupiter

Position Paper for the General Assembly Plenary

The topics before the General Assembly Plenary are: Breaking the Link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

I. Breaking the Link between Diamonds and Armed Conflict

Canada endorses the Kimberley Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. Canada believes the Kimberley Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourages all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. Canada further calls upon participating states to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. The delegation of Canada draws attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urges Member States to consider these programs in developing the type of domestic regulatory frameworks called for in General Assembly resolution 55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberley Process and encourages states to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in General Assembly resolution 58/290. Canada urges Member States to act in accordance with General Assembly resolution 60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberley Process of Artisanal Alluvial Producers. Canada calls upon states and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing states.

II. The Promotion of Alternative Sources of Energy

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as

exemplified through the Canadian Turning Corners Report and Project Green climate strategies. Canada views the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations under Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. Canada emphasizes the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight Declaration on Growth and Responsibility in the World Economy as a vital step in energy diversification from conventional energy generation. Canada calls upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to the Canadian \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages states to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies and calls upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges states to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into state-specific strategies called for in the General Assembly Second Committee's report to the General Assembly Plenary on Sustainable development: promotion of new and renewable sources of energy (A/62/419/Add.9) will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African states to achieve Target 8 of Goal 6 of the MDGs by 2015. Canada recommends Member States to cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration and Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement General Assembly resolution 61/228, Canada believes developed states must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. Canada urges Member States to support compulsory licensing for essential generic medication by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the

Malaria Vaccine Initiative. Canada emphasizes the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



Dear Delegates,

Welcome to the National Model United Nations•Northwest (NMUN•NW) Conference. As part of the volunteer staff for the General Assembly Plenary, we are aiming to facilitate, to the best of our abilities, your educational experience at the conference in Portland. Galen Stocking, Director, and Jenna Burke, Assistant Director, will serve as your dais members. Both are looking forward to making your conference experience a fulfilling one.

The topics for the General Assembly Plenary:

1. The Relationship Between Disarmament and Development
2. The Rights of Indigenous People
3. Permanent Sovereignty Over Their Natural Resources for the Palestinian People and the Arab Population in the Occupied Syrian Golan

The background guide will serve as an introduction to the topics listed. Accordingly, it is not meant to be used as an all-inclusive analysis for research, but rather the groundwork for your own analysis and research. The references listed for each topic will provide you with the resources you need to start your own research. Each delegation is requested to submit a position paper, which reflects your research on the topics. Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

If you have any questions regarding your preparation for the committee and the Conference itself, please feel free to contact any of the substantive staff of the General Assembly Plenary. We wish you all the best in your preparation for the Conference and look forward to seeing you in February!

Galen Stocking
Director

Jenna Burke
Assistant Director



Committee History

Introduction

With the adoption of the *Charter of the United Nations*, the General Assembly was founded in 1945.¹ The first meeting was held in January 1946, in which 51 Member States were represented.² Within the same year, the General Assembly adopted their first resolution, which focused on the use of atomic energy in peaceful ways and the eradication of weapons of mass destruction, including atomic weapons.³ The General Assembly is considered a vital policymaking and deliberative body of the United Nations.⁴ All 193 Member States of the United Nations are members of the General Assembly, and meet annually from September to December to discuss the broad range of international issues covered by the Charter.⁵ Additionally, the General Assembly plays a unique role in the standards and codification of international law processes within the United Nations.⁶

Function and Mandate

The General Assembly has an array of functions and powers. Chapter IV of the Charter outlines the specific powers and functions of the General Assembly.⁷ These functions and powers include: discussing any question pertaining to the Charter, making recommendations on international peace and security, approving the United Nations budget, and discussing reports from the Security Council and other bodies within the United Nations system.⁸ Also, the General Assembly can make recommendations on a wide variety of issues, such as international political cooperation, development efforts, and human rights issues.⁹ Furthermore, the General Assembly has the power to elect non-permanent members to the Security Council, members of United Nations organs and councils, and appoint the Secretary-General based off of the Security Council's recommendation.¹⁰ In addition, the General Assembly Plenary discusses reform of the United Nations system, such as the reform of the Security Council, which includes membership numbers, veto power, working methods, and the relationship between the Council and the General Assembly.¹¹

Structure

The General Assembly has six main committees, which adopt resolutions on specific topics ; these resolutions are considered as draft resolutions at plenary meetings. The main committees are: the First Committee, which covers disarmament and international security; the Second Committee, which covers economic and financial issues; the Third Committee, which includes social, humanitarian and cultural topics; the Fourth Committee, which covers special political and decolonization efforts; the Fifth

¹ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

² United Nations, *History of the United Nations*, n.d.

³ United Nations, *History of the United Nations*, n.d.

⁴ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

⁵ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

⁶ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

⁷ United Nations, *Charter of the United Nations: Chapter IV The General Assembly*, n.d.

⁸ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

⁹ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

¹⁰ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

¹¹ United Nations General Assembly, *Note by the President of the General Assembly (A/63/960)*, 2009.



Committee, which includes administrative and budgetary questions; and finally the Sixth Committee, which addresses legal issues.¹²

In addition, there are subsidiary bodies whose jurisdiction falls under the General Assembly. These subsidiary bodies consist of various boards, commissions, committees, councils and panels, and working groups.¹³ Prominent committees include the Disarmament Commission, the International Law Commission, and the United Nations Peacebuilding Commission.¹⁴ Additionally, councils that fall under the jurisdiction of the General Assembly include the Human Rights Council, as well as, the governing councils of the United Nations Environmental Programme and the United Nations Human Settlements Programme.¹⁵

Membership, Voting and Elections

The General Assembly is a body within the United Nations in that every Member State is represented in the Assembly and thus, afforded one vote.¹⁶ Although they cannot vote on substantive matters or sponsor resolutions, the General Assembly also welcomes representatives from Permanent Observers, which include Non-Member States (Including the Holy See and the State of Palestine), Intergovernmental Organizations (including the League of Arab States, the African Union, and the European Union), and Non-Governmental Organizations.¹⁷ Despite not having a vote, the Permanent Observers often exert significant influence through informal channels. These may include negotiating with delegates, participating in the meetings of geopolitical groups, distributing written material, or participating in the process of reviewing and editing draft resolutions.¹⁸ Furthermore, Non-Member States may vote on procedural motions.

Article 4.1 of the Charter states that “membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligation.”¹⁹ Furthermore, the decision to admit a new Member State as a member of the United Nations is a decision made by the General Assembly, although it is often based on recommendations made by the Security Council.²⁰ Additionally, the General Assembly has electoral powers that include the mandate to elect members of the Economic and Social Council and non-permanent members of the Security Council.²¹ According to the rules of procedure of plenary meetings, all elections should be held by a secret ballot, in which a candidate requires two-thirds of the vote to be elected.²²

Recently, there has been a significant amount of effort for the General Assembly to achieve consensus without casting a formal vote on certain issues, such as those topics pertaining to international peace and security efforts.²³ After discussing extensively with delegates and reaching an agreement, the President of

¹² General Assembly of the United Nations, *Main Committees*, n.d.

¹³ General Assembly of the United Nations, *Subsidiary Organs of the General Assembly*, n.d.

¹⁴ General Assembly of the United Nations, *Subsidiary Organs of the General Assembly: Committees*, n.d.

¹⁵ General Assembly of the United Nations, *Subsidiary Organs of the General Assembly: Councils and Panels*, n.d.

¹⁶ United Nations, *Charter of the United Nations: Chapter IV The General Assembly*, n.d.

¹⁷ United Nations, *About Permanent Observers*, n.d.

¹⁸ United Nations, *About Permanent Observers*, n.d.

¹⁹ United Nations, *Charter of the United Nations: Chapter II Membership*, n.d.

²⁰ United Nations, *Charter of the United Nations: Chapter II Membership*, n.d.

²¹ United Nations, *Charter of the United Nations: Chapter IV The General Assembly*, n.d.

²² General Assembly of the United Nations, *Rules of Procedure XII: Plenary Meetings*, n.d.

²³ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.



the General Assembly can thus propose that the resolution at hand can be passed without a vote.²⁴

Current Issues and Priorities

Each year, the General Assembly holds special High-Level meetings on particular topics that are in need of immediate action. During the 67th session, the high-level meetings discussed sustainable energy for all, nutrition, and countering nuclear terrorism.²⁵ In the ongoing 68th session, which began September 23, 2013, the anticipated issues of debate include nuclear disarmament, international migration and development, and disability-inclusive development.²⁶ The president of the General Assembly for the 68th session is John W. Ashe, a diplomat from Antigua and Barbuda.²⁷ Regarding the reasoning behind holding a high-level meeting concerning disability-inclusive development, the General Assembly explains that “while the Millennium Development Goals (MDGs) represent a concerted effort to address global poverty, there is a striking gap in the current MDGs and their inclusion of persons with disabilities [...] in spite of the adoption of the *Convention on the Rights of Persons with Disabilities* in 2006, disability remains largely invisible in most mainstream development process.”²⁸ Similarly, the high-level meeting on nuclear disarmament was justified because nuclear disarmament is necessary to achieve a safer world, and that efforts thus far have fallen short.²⁹

Conclusion

The General Assembly plays several significant roles within the United Nations, which makes it the most unique organ of the United Nations. This unique and complex structure allow the delegates of the General Assembly to discuss a wide variety of international issues, including human rights violations, economics, disarmament and international peace and security. Delegates of the General Assembly also have the distinctive responsibility of electoral power of other committees and commissions, which adds to the uniqueness of the Assembly within the United Nations system.

²⁴ General Assembly of the United Nations, *Functions and Powers of the General Assembly*, n.d.

²⁵ General Assembly of the United Nations, *High –Level Meetings of the 67th Session (2012)*, 2012.

²⁶ General Assembly of the United Nations, *High-Level Meetings of the 68th Session (2013)*, 2013.

²⁷ General Assembly of the United Nations. *Elections and Appointments*. n.d.

²⁸ General Assembly of the United Nations, *High-level Meeting on disability and development (23 September 2013)* “*The way forward: a disability inclusive development agenda towards 2015 and beyond*”, 2013.

²⁹ General Assembly of the United Nations, *High-level meeting of the General Assembly on Nuclear Disarmament (26 September 2013)*, 2013.



Annotated Bibliography

General Assembly of the United Nations. (2013). *Function and Powers of the General Assembly* [Webpage]. Retrieved June 29, 2013 from: <http://www.un.org/en/ga/about/background.shtml>
The General Assembly provides accessible links to information regarding its structure and function. This link will give the delegates a glance at the precise functions and powers that the General Assembly has within the United Nations. Delegates should be familiar with the General Assembly in this fashion, as it will be pertinent to their duties within this committee.

General Assembly of the United Nations. (2013). *Main Committees* [Webpage]. Retrieved June 29, 2013 from: <http://www.un.org/en/ga/maincommittees/index.shtml>
Since the General Assembly handles a wide range of topics, it is important for delegates to be mindful of its structure. This link will provide delegates information about the various committees within the General Assembly, as well as, initial material regarding the breadth of topics that each committee addresses. Additionally, this website could be a useful resource for delegates to begin their research regarding the topics they will address while at this conference.

General Assembly of the United Nations. (2013). *Subsidiary Organs of the General Assembly* [Webpage]. Retrieved June 29, 2013 from: <http://www.un.org/en/ga/about/subsidiary/index.shtml>
Under the Charter of the United Nations, the General Assembly covers a wide variety of topics. Within this committee at this conference, delegates will only be covering three small topics. This site could be a perfect starting point for delegates to understand the various committees and councils whose jurisdiction fall under the General Assembly, in addition to, the information needed for the specific topics covered in this conference without looking through each committee.

United Nations. (2013). *Charter of the United Nations: Chapter II Membership*. Retrieved June 29, 2013 from: <http://www.un.org/en/documents/charter/chapter2.shtml>
The Charter of the United Nations dedicates an entire section to the membership to the United Nations, which is maintained by the General Assembly. Since membership and voting procedures is a significant portion of the duties within the General Assembly, Chapter II will be useful for delegates to fully understand the responsibilities of the General Assembly. This will also provide the delegates an insight as to their role within this committee, in addition to, their role within the conference.

United Nations. (2013). *Charter of the United Nations: Chapter IV The General Assembly*. Retrieved June 29, 2013 from: <http://www.un.org/en/documents/charter/chapter4.shtml>
The Charter of the United Nations dedicates an entire portion to the General Assembly. Chapter IV of the Charter will be useful to the delegates in order to gain a more in depth look at the purpose, structure, functions, and responsibilities that the General Assembly holds. This will also provide the delegates an insight as to their role within this committee, in addition to, their role within the conference.

I. The Relationship Between Disarmament and Development

“Every gun that is made, every warship launched, every rocket fired signifies in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all in any true sense. Under the clouds of war, it is humanity hanging on a cross of iron.”³⁰

Introduction

Although the concept of the relationship between disarmament and development may not be immediately obvious, its origin dates back to the establishment of the United Nations. Under Article 26 of the *Charter of the United Nations*, Member States are encouraged to promote the formation and maintenance of international peace and security through those efforts which are harmful to human and economic resources.³¹ Concerned about the world’s current state, in 1984 the General Assembly requested the creation of an international conference that would investigate the relationship between disarmament and development.³² Thus, in 1987 the International Conference on the Relationship between Disarmament and Development was established.³³ This conference primarily focused on three key issues: defining the relationship between disarmament and development, identifying the consequences that arms affect economic growth and development, and ways in which to promote development through disarmament.³⁴ The conference concluded with the adoption of a “final document [in which] the nations committed themselves to consider reallocating resources released through disarmament for socioeconomic development, particularly in developing countries.”³⁵

Although disarmament and development are two distinct issues that are pertinent to the United Nations’ efforts towards international peace and security, the two are mutually reinforcing.³⁶ Despite existing independently of each other, it is evident that progress in either disarmament or development can help the other’s progress as well.³⁷ Conversely, one can negatively impact the other. According to the United Nations Office (formerly Department) of Disarmament Affairs (UNODA), “excessive armament and military spending can have negative impact on development and divert financial, technological and human resources from development objectives.”³⁸

Unfortunately, disarmament does not necessarily equate to an abundance of resources. The Centre for International Governance Innovation (CIGI) stated that “disarmament is a complex process, involving

³⁰ Global Citizen, *The link between disarmament and development*, 2013.

³¹ United Nations, *Charter of the United Nations: Chapter V The Security Council*, n.d.

³² United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, 2004.

³³ United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, 2004.

³⁴ United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, 2004.

³⁵ Peace Magazine, *The U.N. Disarmament and Development Conference*, 1987.

³⁶ United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, 2004.

³⁷ United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, 2004.

³⁸ United Nations Department of Disarmament Affairs, *The relationship between disarmament and development in the current international context*, p. 14, 2004.



historical, cultural, social, political and economic issues.”³⁹ However, disarmament policies and efforts can help facilitate a decrease in military expenditure, release tensions and mistrust within international relations, stop the development of and spending of funds on armaments, and reduce the risk and severity of armed conflicts.⁴⁰ Consequently, these policies and efforts can make more resources available for social and economic development.⁴¹

International Framework

In September 1987, Member States convened at the International Conference on the Relationship Between Disarmament and Development.⁴² Concerned about worldwide military spending and the state of the global economy, the delegates decided that it was the responsibility of the international community to closely examine the relationship between disarmament and development in all its aspects.⁴³ The delegates examined the implications of military spending and nuclear weapons on the world economy and developmental growth, in addition to providing attainable solutions to mutually achieving both disarmament and development.⁴⁴

Since the adoption of the first resolution at the International Conference on the Relationship Between Disarmament and Development in 1987, several documents and resolutions have been adopted in the hopes of realizing the goals of the original document. In 2013, the General Assembly adopted resolution 67/409, which addressed new challenges that the international community faces while attempting to achieve international peace and security through disarmament and development.⁴⁵ This document “urges the international community to devote part of the resources made available by the implementation of disarmament and arm limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries.”⁴⁶ Furthermore, the resolution encourages Member States to strive to achieve the Millennium Development Goals through disarmament efforts, to incorporate this relationship between disarmament and development into their agenda and be a constant topic of conversation, and for Member States to create transparent measures of disarmament implementation.⁴⁷

UN System Involvement

Several organizations within the United Nations system mutually and separately address the relationship between disarmament and development. In 1952, the General Assembly created the United Nations Disarmament Commission to address rising weapons concerns; however, the commission failed to meet regularly.⁴⁸ Thus, in 1978 the General Assembly required the United Nations Disarmament Commission to meet annually to consider and make recommendations on issues involving disarmament.⁴⁹ The General Assembly First Committee, which deals with disarmament and international peace and security, works

³⁹ Center for International Governance Innovation, *Disarmament and Development Go Hand in Hand*, 2010.

⁴⁰ Reaching Critical Will, *Disarmament and development*, 2013.

⁴¹ Reaching Critical Will, *Disarmament and development*, 2013.

⁴² United Nations Department of Disarmament Affairs, *The International Conference on the Relationship Between Disarmament and Development*, (A/Conf.130/22), 9 September 1987.

⁴³ United Nations Department of Disarmament Affairs, *The International Conference on the Relationship Between Disarmament and Development*, (A/Conf.130/22), 9 September 1987.

⁴⁴ United Nations Department of Disarmament Affairs, *The International Conference on the Relationship Between Disarmament and Development*, (A/Conf.130/22), 9 September 1987.

⁴⁵ United Nations General Assembly, *Relationship between Disarmament and Development*, (A/67/409), 2013.

⁴⁶ United Nations General Assembly, *Relationship between Disarmament and Development*, (A/67/409), p. 2, 2013.

⁴⁷ United Nations General Assembly, *Relationship between Disarmament and Development*, (A/67/409), 2013.

⁴⁸ United Nations Office for Disarmament Affairs, *United Nations Disarmament Commission*, n.d.

⁴⁹ United Nations Office for Disarmament Affairs, *United Nations Disarmament Commission*, n.d.



closely with the United Nations Disarmament Commission, as well as the Conference on Disarmament in Geneva.⁵⁰

Conference on Disarmament

In 1979, the Conference on Disarmament (CD) was established as a negotiation forum for the international community, which resulted from the first special session on disarmament held by the General Assembly in 1978.⁵¹ Meeting annually, the Conference on Disarmament focuses on arms control, prevention of nuclear war, prevention of an arms race in outer space, other weapons of mass destruction, and making disarmament procedures transparent.⁵² The Conference on Disarmament is the world's "only permanent multilateral disarmament treaty negotiating body."⁵³

The permanent agenda of the Conference on Disarmament includes nuclear and chemical weapons, other weapons of mass destruction, reduction of military budgets and armed forces, and disarmament, development and international security.⁵⁴ Most recently, the Conference on Disarmament submitted a report to the General Assembly that providing the conferences' work on specific disarmament issues such as cessation of the nuclear arms trade and nuclear disarmament, prevention of nuclear war, and transparency in armaments.⁵⁵ However, the Conference on Disarmament has been unable to adopt an agenda for its specific sessions since 1996, and as a result has been unable to do any actual work since that year; this is due to differences of opinion between states on priorities as well as policies as well as the CD's consensus-based procedures, which allow one state to stop any decision, including that on an agenda.⁵⁶

Geneva Declaration on Armed Violence and Development

At the Ministerial Summit in Geneva in 2006, forty-two states adopted the *Geneva Declaration on Armed Violence and Development*.⁵⁷ The Geneva Declaration aims to reduce the amount of armed conflict by 2015 and addresses the challenges the international community faces by developing measures to reduce political and armed conflict in order to improve sustainable development in conflict-afflicted areas.⁵⁸ According to the Geneva Declaration, "the international community has acknowledged that armed violence and conflict impede the realization of the Millennium Development Goals, and that conflict prevention and resolution, violence reduction, human rights, good governance and peace-building are key steps towards reducing poverty, promoting economic growth and improving people's lives."⁵⁹ The focus of the Millennium Development Goals is to help build and share initiatives to combating poverty and hunger, ensuring environmental sustainability, and creating a global partnership for development among other important issues.⁶⁰

⁵⁰ General Assembly of the United Nations, *Disarmament and International Security: First Committee*, n.d.

⁵¹ The United Nations Office at Geneva, *Disarmament: An Introduction to the Conference*, n.d.

⁵² The United Nations Office at Geneva, *Disarmament: An Introduction to the Conference*, n.d.

⁵³ Reaching Critical Will, *Conference on Disarmament, 2013*.

⁵⁴ Reaching Critical Will, *Conference on Disarmament, 2013*.

⁵⁵ Conference on Disarmament, *Report of the Conference on Disarmament to the General Assembly of the United Nations*, (CD/1944), 13 September 2012.

⁵⁶ Reaching Critical Will, *Conference on Disarmament, 2013*.

⁵⁷ The Geneva Declaration on Armed Violence and Development, *What is the Declaration?*, n.d.

⁵⁸ The Geneva Declaration on Armed Violence and Development, *What is the Declaration?*, n.d.

⁵⁹ The Geneva Declaration on Armed Violence and Development, *The Geneva Declaration on Armed Violence and Development*, 2006.

⁶⁰ United Nations Development Programme, *Eight Goals for 2015*, 2013.



Currently, the Geneva Declaration has been signed by more than 100 states.⁶¹ The framework of implementation states that 14 states are responsible for guiding this process and ensuring advocacy efforts are met, measurability and monitoring procedures are clear and concise, and develop and operationalize ways to ensure that the Geneva Declaration is realized.⁶²

International Peace Bureau

The International Peace Bureau is an organization that dedicates itself to sustainable disarmament for sustainable development.⁶³ The International Peace Bureau urges the international community to end over-funding of arms in efforts to redirect such funds towards sustainable development and achieving the Millennium Development Goals.⁶⁴ Their efforts address unique challenges regarding disarmament, such as the contamination and loss of agricultural land, increased health care cost and high unemployment rates in areas affected by war, and reconstruction costs.⁶⁵ The two broad topics the International Peace Bureau focuses on is military spending vs. social development spending and the impact of weapons on communities.⁶⁶

Small Arms and Development

According to the United Nations Office of Disarmament Affairs, the “majority of conflict deaths are caused by the use of small arms, and civilian populations bear the brunt of armed conflict more than ever.”⁶⁷ Additionally, armed conflict has been the biggest cause of population displacement, as well as the most common cause of food insecurity.⁶⁸ Furthermore, populations that are affected by armed conflict have high poverty rates, limited access to social services and resources, stagnant human development, and are ultimately more likely to be unable to attain the Millennium Development Goals.⁶⁹

In 2006, the Biennial Meeting of States on Small Arms (BMS) was held for the purpose of reviewing the progress towards the *Programme of Action on Small Arms and Light Weapons (PoA)*, which aimed to prevent, combat, and eliminate the illicit trade in small arms and light weapons; the delegates submitted a report to the General Assembly on their efforts.⁷⁰ At the conference, the agenda included specific issues such as the short and long-term human costs of small arms and light weapons misuse, reducing the links that exist between small arms and poverty, development, human rights, and encouraging Member States to commit to financial and technical assistance to developing states.⁷¹

⁶¹ The Geneva Declaration on Armed Violence and Development, *What is the Declaration?*, n.d.

⁶² The Geneva Declaration on Armed Violence and Development, *How does it work?*, n.d.

⁶³ International Peace Bureau, *International Peace Bureau: Home*, 2012.

⁶⁴ International Peace Bureau, *Disarmament for Development: Sustainable Disarmament for Sustainable Development*, 2012.

⁶⁵ International Peace Bureau, *Disarmament for Development: Sustainable Disarmament for Sustainable Development*, 2012.

⁶⁶ International Peace Bureau, *Disarmament for Development: Sustainable Disarmament for Sustainable Development*, 2012.

⁶⁷ United Nations Office of Disarmament Affairs, *Small Arms: Taking their toll, violating rights*, n.d.

⁶⁸ United Nations Office of Disarmament Affairs, *Small Arms: Development Denied*, n.d.

⁶⁹ United Nations Office of Disarmament Affairs, *Small Arms: Development Denied*, n.d.

⁷⁰ General Assembly, *Report of the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, (A/CONF.192/2006/RC/9), 12 July 2006.

⁷¹ International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.

Military Spending, Finance and Development

Efforts to reduce military expenditure is not a novel idea, as the League of Nations began reporting military expenditures in the early 1920s; however, these efforts have been seen as unfeasible and unattainable.⁷² However, in 1981 the United Nations created a standardized system, the United Nations Report on Military Expenditures, in which countries can report their annual military budget in order for the international community to achieve transparency and to gain insight on regional military spending patterns.⁷³

In 2007, the top five military spenders in the world, consisting of the United States, China, France, Japan, and the United Kingdom, collectively spent 762 billion USD in military expenditures, and global defense spending equaled 1,339 billion USD.⁷⁴ In 2005, the UN Millennium Project completed a study analyzing the cost for all countries to achieve all of the Millennium Development Goals by 2015.⁷⁵ The estimated cost was \$135 billion, which equates to about a tenth of total estimated worldwide military spending.⁷⁶ According to the Global Poverty Project, “addressing militarism is thus the best hope we have of achieving the UN Millennium Development Goals of ending poverty, achieving universal education, providing primary health care, adequately combating major diseases, addressing key environmental concerns, and providing sufficient renewable energy for basic needs.”⁷⁷ Consequently, low military spending tends to be an excellent indicator for the achievement of the Millennium Development Goals, according to the findings of a study done by the Bonn International Center for Conversion.⁷⁸

Regarding the estimated 1 trillion USD spent in 2004 on worldwide military spending, Bangladesh’s Foreign Minister asserted that the expenditures were a result of an arms race that was harmful for the development agenda.⁷⁹ In 2011, the United Nations Children’s Fund (UNICEF) created statistical tables to present the ratio, based on economic indicators, of a certain countries’ spending on military and defense as compared to spending on education and health initiatives.⁸⁰ This statistical table clearly presents that the more a Member State spends on military expenditures, the less likely it is to spend on education and health initiatives, and thus the less likely to achieve the Millennium Development Goals by 2015.⁸¹

Case Study: Latin America and the Caribbean

Under the United Nations Office of Disarmament Affairs, the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) has been established as a regional body to combat illicit trafficking of firearms, ammunition and explosives.⁸² The three main purposes of the regional body are public security, disarmament advocacy, and confidence- and security-

⁷² United Nations Office of Disarmament Affairs, *United Nations Report on Military Expenditures*, n.d.

⁷³ United Nations Office of Disarmament Affairs, *United Nations Report on Military Expenditures*, n.d.

⁷⁴ International Peace Bureau, *Military Spending and Finance for Development*, 2008.

⁷⁵ International Peace Bureau, *Military Spending and Finance for Development*, 2008.

⁷⁶ International Peace Bureau, *Military Spending and Finance for Development*, 2008.

⁷⁷ The Global Poverty Project, *Disarmament and Development*, 2011.

⁷⁸ International Peace Bureau, *Opportunity Costs: Military Spending and the UN’s Development Agenda*, 2012.

⁷⁹ United Nations Information Service: Vienna, *Growth of Global Military Spending, Relationship between Disarmament, Development Focus of Debate in Disarmament Committee*, 2005.

⁸⁰ United Nations Children’s Fund (UNICEF), *Statistical Tables*, 2011.

⁸¹ United Nations Children’s Fund (UNICEF), *Statistical Tables*, 2011.

⁸² United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, *What We Do*, n.d.

building efforts.⁸³ Each year, the UNLIREC publishes an annual report that describes its efforts towards achieving disarmament and development. In its most recent report, the UNLIREC described its efforts towards technical assistance in weapons destruction and stockpile management, capacity building and training, and legal and financial assistance towards disarmament.⁸⁴ Additionally, each year the UNLIREC submits a report to the General Assembly describing its work on disarmament and development during the previous year.⁸⁵

Criticisms/Challenges of Development Efforts

Although it seems as though a reduction in military expenditures and disarmament can be a direct link to economic and social development, the link isn't always cheap, easy, or obvious. Johan Galtung, Special Consultant to the Second Special Session of the General Assembly on Disarmament, explains why this interpretation of the relationship between disarmament and development is attractive, but has many challenges.⁸⁶ Galtung explains that first of all, a country that has funds reallocated from military spending to development initiatives does not necessarily lead to economic and social development.⁸⁷ Second, Galtung asserts that reducing military funds and redirecting it elsewhere does not necessarily lead to disarmament.⁸⁸ Finally, Galtung reasons that if funds were to be reallocated from military expenditures to development initiatives, it is more likely to happen domestically rather than internationally.⁸⁹ In short, Galtung argues that the concept of sovereignty and a state's responsibility to protect its own citizens may positively affect a country's relationship between disarmament and development, but can ultimately hinder the achievement of international peace and security.⁹⁰

At the 2006 BMS the International Peace Bureau stated that the Programme of Action (PoA) "fails to take a broad perspective on disarmament programmes, which requires their integration into wider peace-building and reconstruction strategies including demand-reducing measures."⁹¹ Additionally, the conference failed to incorporate measures to reduce demand, which include public awareness-building, social and vocational education for ex-combatants, confidence-building within a conflict-afflicted area through good governance, policies highlighting employment opportunities and alternatives lifestyles for ex-combatants, and gender considerations.⁹²

⁸³ United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, *What We Do*, n.d.

⁸⁴ United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, *Annual Report*, 2012.

⁸⁵ General Assembly, *United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean*, (A/RES/66/54), 13 December 2011.

General Assembly, *United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean*, (A/RES/67/66), 11 December 2012.

⁸⁶ Galtung, J, TRANSCEND International, *Disarmament and Development: What is the Relationship?*, 2013.

⁸⁷ Galtung, J, TRANSCEND International, *Disarmament and Development: What is the Relationship?*, 2013.

⁸⁸ Galtung, J, TRANSCEND International, *Disarmament and Development: What is the Relationship?*, 2013.

⁸⁹ Galtung, J, TRANSCEND International, *Disarmament and Development: What is the Relationship?*, 2013.

⁹⁰ Galtung, J, TRANSCEND International, *Disarmament and Development: What is the Relationship?*, 2013.

⁹¹ International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.

⁹² International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.



Future Directions and Concerns

Presently, disarmament progress is slow, due in large part to a lack of incentives and consequences.⁹³ The Organization for Economic Co-Operation and Development (OECD) has been concerned with the relationship between gender equality and the allocation of resources: “High expenditure on arms means fewer resources to devote to development initiatives, including those that could have a positive impact on women and could reduce gender inequalities.”⁹⁴ One of the ways to internationalize progress and help ensure that progress is not limited to just a handful of countries acting individually is to create confidence-building measures (CBMs) to encourage disarmament, promote sustainable development practices, and link the two by explicitly promoting redirection of resources in a way that emphasizes both disarmament and development.⁹⁵

Conclusion

Although it has been proven that the achievement on either disarmament or development can lead to the achievement of the other, delegates still must be cognizant of the fact that many steps need to be taken along the way for such to happen. Delegates must also remember to consider all aspects of the relationship as to not leave any unattended developmental gaps unaddressed.

As conversations on this topic move forward, delegates should consider the following: How can we reduce military expenditures and achieve the Millennium Development Goals in a sustainable way? How can we ensure that reallocating military and small arms funds will lead to international peace and security?

⁹³International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.

⁹⁴International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.

⁹⁵International Peace Bureau, *Small Arms and Development: The Results of the UN Small Arms Review Conference 2006 and their policy implications*, 2006.



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Conference on Disarmament. *Report of the Conference on Disarmament to the General Assembly of the United Nations. (CD/1944)*. 2012. Retrieved July 1, 2013 from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/626/75/PDF/G1262675.pdf?OpenElement>

Since this topic combines two major global issues, it would be helpful for delegates to research the basic of both disarmament and development separately. This document is the most recent annual report from the Conference on Disarmament. This document provides delegates with background information regarding the most current issues that the international community is facing in regards to disarmament.

Galtung, J. (2013). *Disarmament and Development: What is the Relationship?* TRANSCEND International. Retrieved July 1, 2013 from:

<http://www.transcend.org/galtung/papers/DISARMAMENT%20AND%20DEVELOPMENT-What%20is%20the%20Relationship.pdf>

This document highlights the challenges and shortfalls of the international community in addressing the relationship between disarmament and development. By explaining that achieving one does not necessarily lead to the achievement of the other, this document explains that more is needed to reach international peace and security through disarmament and development. This document will be helpful for delegates to examine the criticisms of the international community's effort to reach peace, in addition to the challenges that the United Nations still face.

Geneva Declaration on Armed Violence and Development. (2006). *The Geneva Declaration on Armed Violence and Development*. Retrieved July 1, 2013 from:

<http://www.genevadeclaration.org/fileadmin/docs/GD-Declaration-091020-EN.pdf>

This document highlights the challenges that the international community faces in using disarmament efforts to achieve the Millennium Development Goals of 2015. This declaration was first adopted in 2006 and has since been signed by more than 100 Member States. Although it is not a United Nations subsidiary body or commission, this declaration will be helpful for delegates to learn how the international community is taking action on this issue.

International Peace Bureau. (2012). *Disarmament for Development*. Retrieved July 1, 2013 from:

<http://www.ipb.org/web/index.php?mostra=content&menu=Disarmament%20for%20development>

This document is similar to the Geneva Declaration on Armed Violence and Development, in the way that it highlights the challenges that exist when attempting to achieve international peace and security through disarmament and development. The site provides several unique perspectives to the discussion, such as contamination and loss of agricultural land. This site will be helpful for delegates in examining unsustainable and sustainable efforts to reaching international peace and security.

United Nations Department of Disarmament Affairs. (2004). *The relationship between disarmament and development in the current international context*. Retrieved July 20, 2013 from:

http://www.un.org/disarmament/HomePage/ODAPublications/DisarmamentStudySeries/PDF/DSS_31.pdf

This document provides an introductory look at the origins of the relationship between disarmament and development. This document will be helpful for delegates who are not familiar



with the relationship between the two or familiar with either topic separately. By having access to this document, delegates can easily begin their research on this issue with an established starting point.

United Nations Development Programme. (2013). *Eight Goals for 2015*. Retrieved July 1, 2013 from: <http://www.undp.org/content/undp/en/home/mdgoverview/>

As stated above, it would be helpful for delegates to begin their research process by dividing the two topics of disarmament and development and gaining basic information about each separately. This link provides key information about the UNDP's Millennium Development Goals of 2015. By gaining more knowledge about development, delegates can begin to understand the relationship between disarmament and development for this conference.

United Nations General Assembly. *International Conference on the Relationship Between Disarmament and Development*. (A/CONF.130/22). 1987. Retrieved June 29, 2013 from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N87/214/33/PDF/N8721433.pdf?OpenElement>

The idea of using disarmament efforts to achieve development issues that the world is facing is not a new concept. This document is the report issued by the first International Conference on the Relationship Between Disarmament and Development in 1987. This document is of value for the delegates to observe the original concepts of the relationship between disarmament and development and be able to relate those concepts to more recent reports and documents on this issue.

United Nations General Assembly. *Relationship between Disarmament and Development*. (A/67/409). 2013. Retrieved June 29, 2013 from: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/40

This document is the most recent resolution concerning the relationship between disarmament and development. This document provides delegates with the most recent efforts to achieve international peace and security through disarmament and development. By viewing this resolution, delegates can get a full grasp of current events relating to this topic, as well as, a good starting point for their work within this committee.

United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. (2012). *Annual Report*. Retrieved July 1, 2013 from: http://www.unlirec.org/default_eng.aspx

In order to fully understand integrating disarmament and development, case studies can be very useful. This document is the most recent annual report of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. Delegates will be able to look through this report and observe some regional efforts that are being made on this topic. This document could give delegates the insight on what initiatives and programs work or do not work, and could provide delegates a platform to start from when this conference begins.

United Nations General Assembly. *United Nations Regional Center for Peace, Disarmament, and Development in Latin America and the Caribbean*. (A/67/410). 2012. Retrieved June 29, 2013 from: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/66

Although delegates will have access to the annual report created by this committee, this document will also assist the delegates in assessing the most recent efforts of this committee to achieve international peace and security through disarmament and development. With this resolution, delegates can gain valuable information needed to create useful and attainable resolutions within this committee.

II. The Rights of Indigenous People

*We are not the myths of the past, ruins in the jungle, or zoos. We are people and we want to be respected, not be the victims of intolerance and racism.*⁹⁶

Introduction

Over 370 million people in 90 countries are considered indigenous – people who continue to celebrate the culture, language, and sociopolitical practices of their ancestors despite the presence of an alternate, dominant society in their state.⁹⁷ In many cases, their ancestors were colonized or their territories conquered by war; many groups still struggle to maintain access to their ancestral homelands.⁹⁸ The resulting disadvantage, often institutionalized over centuries, has had a devastating influence on many indigenous peoples' economic development. Though only 5% of the global population, indigenous people comprise 15% of people living in poverty worldwide.⁹⁹ In 1999, indigenous people suffered higher infant mortality rates than the national average, higher incidences of communicable diseases, malnutrition, and other health issues, all of which are endemic among the world's poor.¹⁰⁰ The effects of poverty, malnutrition, and diseases particularly affect indigenous women.¹⁰¹

But indigenous people do not just suffer from poverty-related issues; often, their culture and way of life are under attack as well. Many do not have access to education, or, when they do, educational venues do not include their traditional languages or history; if there are schools for indigenous children, they are often underfunded and lag behind other schools.¹⁰² Without proper education of their youth, many indigenous groups' languages are under threat of extinction; as languages disappear, so do a myriad of cultural practices, religion, and traditions.¹⁰³ Similarly, the introduction of Western social structures has disrupted many of the social bonds and structures that kept indigenous societies together, including traditional laws, the particular stations of tribal elders and policy makers, and interpersonal bonds that kept society functioning smoothly in good times and bad.¹⁰⁴ In many states, these structures are further limited by the legal systems of the State itself, which view indigenous laws as subordinate to state law.¹⁰⁵ Yet indigenous groups have limited capacity to affect state policy; in a recent study, only 40% of surveyed parliamentary bodies had implemented mechanisms for indigenous representation.¹⁰⁶

Against this backdrop, indigenous peoples' activists have spurred the international community to action through the adoption of a human rights-based approach to improving the lives of indigenous people.¹⁰⁷ In a human rights-based approach, basic issues of development, security, and human rights are interlinked, with the implication that each aspect of development becomes viewed as a fundamental human right.¹⁰⁸

⁹⁶ Nobel Women's Initiative, *Meet the Laureates: Rigoberta Menchú Tum*, n.d.

⁹⁷ United Nations, Permanent Forum on Indigenous Issues, *Who Are Indigenous Peoples?*, n.d.

⁹⁸ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2010.

⁹⁹ International Fund for Agricultural Development, *Statistics and Key Facts about Indigenous Peoples*, n.d.

¹⁰⁰ Brundtland, G.H., *Opening Speech of Dr. Gro Harlem Brundtland*, 1999.

¹⁰¹ United Nations, *Permanent Forum on Indigenous Issues, Health*, n.d.

¹⁰² United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009, p. 129.

¹⁰³ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009, p. 58-59.

¹⁰⁴ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009, p. 62-63.

¹⁰⁵ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009.

¹⁰⁶ Protsyk, Oleh, *Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament*, 2010.

¹⁰⁷ Gupta, Aman, *Human Rights of Indigenous Peoples*, 2005, p. 171-172.

¹⁰⁸ UNDP, *Applying a Human Rights-Based Approach to Development Cooperation and Programming: A UNDP Capacity Development Resource*, 2006.

Furthermore, a human rights-based approach recognizes that economic development is predicated upon the development of *all* groups in society, requires governments to take steps to protect these rights, and provides avenues for all groups to participate in the political discussions surrounding these policies.¹⁰⁹ In the context of the rights of indigenous peoples, this approach ensures not just the improvement of peoples' standard of living but also guarantees the recognition of indigenous people as full members of society, with all the rights that accompany that distinction.¹¹⁰

International Framework

The first recognition of indigenous people in international law was brought forth by the International Labour Organization (ILO) at the behest of the United Nations in *ILO Convention No. 107* (1957).¹¹¹ Also known as the Indigenous and Tribal Populations Convention, the document codified indigenous people's right to property, employment, education, and health, but in doing so emphasized the importance of integrating indigenous people into the larger population rather than allowing their own societies to flourish.¹¹² For instance, Article 4(c) urges the adoption of policies that will mitigate any difficulties related to integration.¹¹³

In 1982, the UN Economic and Social Council (ECOSOC) established a Working Group on Indigenous Peoples to review the condition of indigenous populations worldwide and create a set of international standards for protecting and addressing indigenous rights.¹¹⁴ Drawing upon comments from members of indigenous groups, relevant governments, and international law experts, the Working Group began drafting a declaration on the rights of indigenous people in 1985.¹¹⁵ The working group, which met annually, quickly became the first forum of its kind for indigenous groups to express grievances at the supranational level.¹¹⁶ Around the same time (1986), the Martinez Cobo Study, originally commissioned in 1972, was published, outlining in detail the development and cultural issues indigenous people faced.¹¹⁷ The momentum led to an updated ILO convention (169) in 1989, which recognized the rights of indigenous people to retain their traditional customs, social framework, and laws and choose their own development path; these avenues for consultation and participation in the political process reflected the growing voice indigenous people were developing in the international arena.¹¹⁸ Accordingly, by the late 1980s and early 1990s, there was considerable movement toward legally-binding protection of indigenous rights within the international system, but the significant foundations of international law had not yet been developed.

Declaration on the Rights of Indigenous People and the Decades of the World's Indigenous People

In recognition of the growing need to address indigenous rights, the General Assembly declared the decade from 1994-2004 the first Decade of the World's Indigenous People, with the goals of "strengthen[ing] international co-operation to solve the problems faced by indigenous people in such areas as human rights, the environment, development, education and health" as well as to generally raise

¹⁰⁹ Human Rights Based Approach Development Toolkit, *Part I. Human Rights Based Approach to Development Planning*, 2010.

¹¹⁰ Gupta, Aman, *Human Rights of Indigenous Peoples*, 2005, p. 171-172.

¹¹¹ International Labour Organization, About Convention No. 107, 2013.

¹¹² International Labour Organization, About Convention No. 107, 2013.

¹¹³ International Labour Organization, Convention No. 107, 1957.

¹¹⁴ United Nations, ECOSOC, E/RES/1982/34, 1982.

¹¹⁵ United Nations, Office of the High Commissioner for Human Rights, Factsheet No. 9, 1997.

¹¹⁶ Sanders, The UN Working Group on Indigenous Populations, 1989.

¹¹⁷ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2010.

¹¹⁸ International Labour Organization, Convention No. 169, 1989.

awareness about these problems.¹¹⁹ Furthermore, the General Assembly expected that this Decade would provide the impetus for the education of indigenous people as to their rights, the introduction of legislation at the state level to protect and promote those rights, the coordination of activities with regional and state level actors, and most visibly, the passing of a *Declaration on the Rights of Indigenous People*.¹²⁰ Although the adoption of this draft was not initially successful, the Decade was instrumental in putting indigenous issues on the international agenda and coordinating between agencies, leading directly to the adoption of the second Decade of the World's Indigenous People, held from 2005-2014.¹²¹ The goals for this decade remain much the same, but the largest – the adoption of a *Declaration on the Rights of Indigenous People* – has by now already been attained.¹²² The Decade will culminate in the 2014 World Conference on Indigenous Peoples.¹²³

In 1995, the Commission on Human Rights (CHR) created a working group to conduct high-level negotiations on the draft declaration on indigenous people.¹²⁴ After almost two decades of negotiations, the *Declaration on the Rights of Indigenous People* was adopted by the General Assembly with 144 votes in favor, 11 abstentions, and only Australia, Canada, New Zealand, and the United States opposed.¹²⁵ The Declaration addressed myriad areas of indigenous rights, both in terms of individual rights and the collective rights of indigenous groups. First, individuals and groups have the right to self-determination, including the right to pursue their own distinct political and legal institutions and to have their voice expressed in these institutions.¹²⁶ Similarly, States must give indigenous people avenues for participation in political decisions that affect them.¹²⁷ Indigenous people also have the right to practice, teach, and protect their culture, religion, language and history, to transmit those traditions and customs to future generations, and to protect and reacquire any relevant artifacts.¹²⁸ Inherent in the act of protecting those customs is the right to establish relevant media and educational institutions without interference from the state.¹²⁹ Indigenous land is also protected, through the protection of the rights of indigenous people to use their land and its resources to the rights of indigenous people to a protected environment.¹³⁰ Finally, indigenous people have the right to socioeconomic development free from discrimination.¹³¹ These and related enumerated rights must be protected and promoted by the domestic laws of relevant states.¹³²

In an environment of lingering colonialism, the Declaration is widely viewed as an important step toward equality.¹³³ Importantly, it established that the rights of indigenous peoples are not distinct from those of anyone else, ensuring that despite the extra protections afforded to them by the Declaration, indigenous

¹¹⁹ United Nations, General Assembly, A/RES/48/163, 1993.

¹²⁰ United Nations, General Assembly, A/RES/50/157, 1995.

¹²¹ United Nations, International Working Group for Indigenous Affairs, *First International Decade of the World's Indigenous Peoples (1995-2004)*, n.d.
United Nations, Secretary General, *Final Report of the High Commissioner for Human Rights reviewing the activities within the United Nations system under the programme for the International Decade of the World's Indigenous People*, E/CN.4/2005/87, 2005.

¹²² United Nations, General Assembly, A/RES/59/500, 2004.

¹²³ United Nations, International Work Group for Indigenous Affairs, *World Conference on Indigenous Peoples*, 2013.

¹²⁴ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2010.

¹²⁵ United Nations, Permanent Forum on Indigenous Issues, *About the Declaration on the Rights of Indigenous Peoples*, n.d.

¹²⁶ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹²⁷ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹²⁸ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹²⁹ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹³⁰ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹³¹ *Declaration on the Rights of Indigenous Peoples*, 2007.

¹³² *Declaration on the Rights of Indigenous Peoples*, 2007.

¹³³ Charters & Stavenhagen, *The UN Declaration on the Rights of Indigenous Peoples: How it Came to be and What it Heralds*, 2009.

peoples are not a legal sub-class of people – freeing them from some of the stigmas of colonialism yet allowing them to participate in both indigenous and dominant socio-political structures.¹³⁴ Furthermore, the Declaration not only continued ILO Convention 169’s recognition of indigenous rights to ancestral lands, but also expanded it to include a right to redress for those lands lost (although the language is a bit vague on how this can occur).¹³⁵ Perhaps most importantly, the role that indigenous groups played in drafting the Declaration lent both the Declaration and the groups themselves additional legitimacy in the international arena, allowing for their recognition in international institutions as they seek to address subsequent issues.¹³⁶

Relevant International Actors

The post-Declaration environment is coordinated by three important international actors who develop and monitor the implementation of international law related to indigenous issues. The Permanent Forum on Indigenous Issues was established in 2000 with the mandate of reporting on developments in indigenous issues in several areas to ECOSOC.¹³⁷ Furthermore, the Permanent Forum is expected to offer recommendations and other expert advice to the United Nations system, raise awareness about indigenous issues through information dissemination campaigns, and coordinate activities throughout the UN system.¹³⁸ The Permanent Forum is comprised of sixteen experts, half nominated by governments and half nominated by indigenous groups; each subset includes experts from across geographic groupings.¹³⁹

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was created by the Human Rights Council in 2007 to provide detailed advice on thematic areas related to indigenous rights.¹⁴⁰ Thus far, the Expert Mechanism has developed reports on indigenous education, the role of language and culture, and the right to political participation.¹⁴¹ Finally, the Special Rapporteur on the Rights of Indigenous Peoples promotes best practices for States, facilitates discussion about grievances, reports on human rights conditions, and produces studies on various issues related to indigenous rights.¹⁴²

Inter-American Commission on Human Rights and the Inter-American Court of Human Rights

Several regional actors have been at the forefront of this activity as well, particularly in the Americas. Under the auspices of the Organization of American States (OAS), the Inter-American Commission on Human Rights has recognized the rights of indigenous people since 1971, and specifically noted the historical discrimination that indigenous people had suffered as a consequence of colonization.¹⁴³ In the OAS legal system, these rights were grounded in the rights guaranteed by the *American Declaration of the Rights and Duties of Man* (1948) and the *American Convention on Human Rights* (1969).¹⁴⁴ All OAS

¹³⁴ Anaya, *The Right of Indigenous Peoples to Self-Determination in the Post-Declaration Era*, 2009.

¹³⁵ Ahren, *The Provisions on Lands, Territories and Natural Resources in the UN Declaration on the Rights of Indigenous Peoples: An Introduction*, 2009.

¹³⁶ Dorough, *The Significance of the Declaration on the Rights of Indigenous Peoples and its Future Implementation*, 2009.

¹³⁷ United Nations, Economic and Social Council, *Establishment of a Permanent Forum on Indigenous Issues*, 2000/22, 2000.

¹³⁸ United Nations, Economic and Social Council, *Establishment of a Permanent Forum on Indigenous Issues*, 2000/22, 2000.

¹³⁹ United Nations, Permanent Forum on Indigenous Issues, *Structure within ECOSOC*, n.d.

¹⁴⁰ United Nations, Human Rights Council, *Expert mechanism on the rights of indigenous peoples*, Resolution 6/36, 2007.

¹⁴¹ United Nations, Office of the High Commissioner for Human Rights, *The Expert Mechanism on the Rights of Indigenous Peoples*, 2013.

¹⁴² United Nations, Office of the High Commissioner for Human Rights, *Special Rapporteur on the rights of indigenous peoples*, 2013.

¹⁴³ Organization of American States, *Inter-American Commission on Human Rights, The Human Rights Situation of the Indigenous People in the Americas*, OEA/Ser.L/V/II.108, 2000.

¹⁴⁴ Organization of American States, *Inter-American Commission on Human Rights, Indigenous and Tribal Peoples’ Rights over their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II, 2009. See also:

Member States are required to protect the rights of all people through legislation and practices that “respect and ensure” the rights of indigenous and minority populations.¹⁴⁵ The work of the Inter-American Commission falls into three categories: monitoring the human rights situation of Member States and providing best practices recommendations, hearing petitions from indigenous groups, and developing regional standards and conventions related to indigenous issues.¹⁴⁶ In this capacity, the Commission can send observation missions to ensure the compliance of states.¹⁴⁷ Upon hearing a petition, or upon recognizing a violation of human rights, the Commission may refer a case to the Inter-American Court of Human Rights, which further develops Inter-American law on indigenous issues.¹⁴⁸

The Inter-American Court of Human Rights, which hears cases brought by indigenous peoples, grounds its findings in the American Declaration and Convention mentioned above but interprets those conventions as living documents that must reflect the developing legal framework of the international community.¹⁴⁹ To that end, they have incorporated the concepts of minority rights and the right to self-determination from the *International Covenant on Civil and Political Rights* (1966) as well as the *Convention for the Elimination of All Forms of Racial Discrimination* (1969) and the aforementioned ILO Convention No. 169.¹⁵⁰ Using this framework, the Inter-American Court of Human Rights has upheld the principles of non-discrimination, equal protection, the right of indigenous people to participate in policymaking discussions that affect them, and the special connection indigenous people have to their land.¹⁵¹ This latter right is particularly important, as it has been utilized by several groups to regain access to ancestral lands.¹⁵² Nonetheless, this legal framework is grounded in the OAS’s individual rights regimen, which does not include any recognition of collective rights.¹⁵³

The continued attention by the Commission and the Court led to the development of a *Draft American Declaration on the Rights of Indigenous Peoples* in 1997.¹⁵⁴ This proposal included the recognition of indigenous peoples’ human rights, including freedom from discrimination, right to “cultural integrity,” right to the establishment of their own educational systems, right to practice their own medicine, live in a “safe and healthy” environment and be included on any decisions affecting their land, self-government

Organization of American States, American Declaration of the Rights and Duties of Man, 1948.

Organization of American States, American Convention on Human Rights, 1969.

¹⁴⁵ Organization of American States, Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples’ Rights over their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II, 2009

¹⁴⁶ Organization of American States, Inter-American Commission on Human Rights, *The Human Rights Situation of the Indigenous People in the Americas*, OEA/Ser.L/V/II.108, 2000.

¹⁴⁷ Organization of American States, Inter-American Commission on Human Rights, *The Human Rights Situation of the Indigenous People in the Americas*, OEA/Ser.L/V/II.108, 2000.

¹⁴⁸ Organization of American States, Inter-American Commission on Human Rights, *The Human Rights Situation of the Indigenous People in the Americas*, OEA/Ser.L/V/II.108, 2000.

¹⁴⁹ Organization of American States, Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples’ Rights over their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II, 2009.

¹⁵⁰ Organization of American States, Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples’ Rights over their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II, 2009. See also:

International Covenant on Civil and Political Rights, 1966.

International Convention on the Elimination of All Forms of Racial Discrimination, 1969.

¹⁵¹ Pasqualucci, *The Evolution of International Indigenous Rights in the Inter-American Human Rights System*, 2006.

¹⁵² Pasqualucci, *International Indigenous Land Rights: A Critique of the Inter-American Court of Human Rights in Light of the United Nations Declaration on the Rights of Indigenous Peoples*, 2009.

¹⁵³ Pasqualucci, *International Indigenous Land Rights: A Critique of the Inter-American Court of Human Rights in Light of the United Nations Declaration on the Rights of Indigenous Peoples*, 2009.

¹⁵⁴ Organization of American States, Inter-American Commission on Human Rights, *Proposed American Declaration on the Rights of Indigenous Peoples*, 1997.

and the administration of indigenous law, and property, worker and development rights, among others.¹⁵⁵ Although the Declaration has not been adopted by the OAS, the principles developed through the Commission, the Court, and the Declaration drafting process have had a significant impact on the international legal framework.¹⁵⁶

Thematic Issues

The United Nations Permanent Forum on Indigenous Issues (UNPFII) is mandated to provide expert advice on six thematic issue areas: economic and social development, culture, environment, education, health, and human rights.¹⁵⁷ Additionally, the Permanent Forum works on several “cross cutting topics” – gender and indigenous women, children and youth, Millennium Development Goals (MDG’s), and Data and Indicators – that affect indigenous peoples.¹⁵⁸ The following is a brief summary of the current status of each thematic issue area.

Economic and Social Development

As mentioned in the introduction, indigenous people are a disproportionate part of the world’s poor, a status that carries with it numerous health, education, and related issues.¹⁵⁹ Although this poverty is entrenched, it faces the possibility of becoming more acute with the spread of globalization, which can lead to resource exploitation, changes in market forces that make traditional agriculture infeasible, led to arrangements between international corporations and local governments that do not include indigenous groups, and often made traditional occupations difficult to pursue.¹⁶⁰ This is an artifact of the historical discrimination against indigenous groups, which extends across economic situations; a recent study of Latin American employment found that indigenous workers made 1/3 to 1/2 the salary of non-indigenous workers, while indigenous groups in developed states consistently have higher levels of unemployment than non-indigenous populations.¹⁶¹ Additionally, while non-indigenous peoples have benefited from the Millennium Development Goals, indigenous groups have largely been left behind.¹⁶² Moreover, since indigenous groups often live in remote areas, it is often more difficult for the State or international actors to support sustainable development practices that can help lift people out of poverty.¹⁶³ Indigenous groups outlined their support for sustainable development and some of the challenges they face in the 2002 *Kimberley Declaration*.¹⁶⁴

Culture

Key to the preservation of indigenous culture is the transmission of traditional knowledge, practices, languages, stories, and the continued connection between indigenous people and their land.¹⁶⁵ Culture, particularly religion, is often a fundamental component of indigenous behavior, from the food they eat to

¹⁵⁵ Organization of American States, Inter-American Commission on Human Rights, Proposed American Declaration on the Rights of Indigenous Peoples, 1997.

¹⁵⁶ Pasqualucci, International Indigenous Land Rights: A Critique of the Inter-American Court of Human Rights in Light of the United Nations Declaration on the Rights of Indigenous Peoples, 2009.

¹⁵⁷ United Nations, Economic and Social Council, Establishment of a Permanent Forum on Indigenous Issues, 2000/22, 2000.

¹⁵⁸ United Nations, Permanent Forum on Indigenous Issues, Thematic Issues, n.d.

¹⁵⁹ International Fund for Agricultural Development, Statistics and Key Facts about Indigenous Peoples, n.d.

¹⁶⁰ United Nations, Permanent Forum on Indigenous Issues, State of the World’s Indigenous Peoples, 2009, p. 19.

¹⁶¹ International Labour Organization, Equality at Work: The Continuing Challenge, 2007.

¹⁶² United Nations, Permanent Forum on Indigenous Issues, State of the World’s Indigenous Peoples, 2009, p. 39.

¹⁶³ United Nations, International Work Group for Indigenous Affairs, Sustainable Development and Indigenous Peoples, n.d.

¹⁶⁴ The Kimberley Declaration, 2002.

¹⁶⁵ United Nations, Permanent Forum on Indigenous Issues, State of the World’s Indigenous Peoples, 2009, p. 48.

the clothes they wear; this becomes an important part of a person's identity.¹⁶⁶ Furthermore, as economic opportunity often precludes the knowledge of traditional languages, indigenous languages are increasingly in danger of becoming extinct – over half of the 6000 languages spoken today are expected to disappear by the year 2100, with many of the disappearing languages expected to be indigenous.¹⁶⁷ The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has taken several steps to try to preserve culture, particularly through the *Convention for the Safeguarding of Intangible Cultural Heritage* (2003), which provides mechanisms and funding for the long-term preservation of culture and language.¹⁶⁸ Even when culture is protected and preserved, however, indigenous groups face exploitation by transnational groups and tourists that seek to appropriate and monetize traditional spiritual and medicinal practices, which many indigenous groups view as the continued colonization of their culture.¹⁶⁹ UNESCO has taken steps to protect this knowledge through the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005).¹⁷⁰ Another protection avenue has come through the procurement of patents or trademarks of traditional knowledge before non-indigenous groups do so.¹⁷¹

Environment

The *Declaration on the Rights of Indigenous People* included several clauses guaranteeing indigenous peoples' right to a protected environment. In part, this was out of respect for the spiritual connection to the land that many indigenous groups hold, but it also reflected the exploitation of indigenous land through natural resource extraction, modern agricultural practices, or the dumping of hazardous materials.¹⁷² Although the Declaration strengthened ownership rights, indigenous groups in developing states are nonetheless often expelled from their land by modernizing governments because their traditional practices do not coincide with more modern large agricultural practices or oil, gas, or other resource mining.¹⁷³ Climate change also threatens indigenous practices by upsetting the ecosystems on which indigenous peoples depend or increasing the occurrence of destructive weather patterns.¹⁷⁴ The United Nations Environmental Programme recently expanded its World Database on Protected Areas to include Indigenous and Community Conserved Areas, which helps promote the voluntary conservation of indigenous areas.¹⁷⁵

Education

Education is a basic human right, explicitly codified as applying to indigenous people in the Declaration.¹⁷⁶ It is a key to groups' economic success as well as the transmission of culture between generations; nonetheless, there remain considerable gaps between indigenous and non-indigenous groups

¹⁶⁶ United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009, p. 59-60.

¹⁶⁷ United Nations Educational, Scientific and Cultural Organization, *UNESCO's Endangered Language Programme*, n.d.

¹⁶⁸ United Nations Educational, Scientific and Cultural Organization, *Convention for the Safeguarding of Intangible Cultural Heritage*, 2003.

¹⁶⁹ Welch, *Appropriating the Didjeridu and the Sweat Lodge: New Age Baddies and Indigenous Victims?*, 2002

¹⁷⁰ United Nations Educational, Scientific and Cultural Organization, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, 2005.

¹⁷¹ World Intellectual Property Organization, *The Protection of Traditional Knowledge: Draft Gap Analysis: Revision*, 2008.

¹⁷² United Nations, Permanent Forum on Indigenous Issues, *State of the World's Indigenous Peoples*, 2009, p. 85.

¹⁷³ United Nations, International Work Group for Indigenous Affairs, *Land Rights and Indigenous Peoples*, 2013.

¹⁷⁴ United Nations Educational, Scientific and Cultural Organization and United Nations University, *Weathering Uncertainty: Traditional knowledge for climate change assessment and adaptation*, 2012.

¹⁷⁵ United Nations Environmental Programme, World Conservation Monitoring Centre, *Indigenous and Community Conserved Areas (ICCAs)*, n.d.

¹⁷⁶ *Declaration on the Rights of Indigenous Peoples*, 2007.

in terms of years of schooling and completion rates.¹⁷⁷ Additionally, the inclusion of traditional knowledge into educational systems can either take the form of a second set of educational institutions, which are often underfunded, or the inclusion of traditional knowledge in mainstream institutions, where this knowledge is often marginalized.¹⁷⁸ At the same time, students who do not receive education in the dominant language and culture often face discrimination and hardship in mainstream schools and in the workforce.¹⁷⁹

Health

Indigenous people face numerous health problems as a consequence of their poverty; these include higher incidences of malnutrition, diseases like tuberculosis, and lower life expectancy.¹⁸⁰ Accordingly, one aspect of indigenous peoples' right to healthcare emphasizes increased personal health; at the same time, the Declaration emphasizes indigenous peoples' right to practice some combination of traditional and modern medicine as they choose.¹⁸¹ Whereas access to healthcare is an individual right, the ability for a group to practice traditional medicine is a collective right.¹⁸² At the same time, however, it is often difficult for members of indigenous groups to access non-traditional medicine due to cost, language barriers, discrimination by modern medical practitioners against traditional medicine, and the ensuing distrust and fear.¹⁸³

Human Rights

Underpinning all the aforementioned areas is the basic recognition of the importance of human rights for indigenous people; foremost among those are the rights to self-determination and participation in the decision-making process for relevant policies.¹⁸⁴ This includes the right of each group to oversee the development of their land resources, healthcare practices, educational development, and the proliferation of traditional legal structures.¹⁸⁵ This can occur either through the development of indigenous governance structures or through the explicit inclusion of indigenous actors in national parliamentary bodies; in the latter case, proportional representation systems or reserved seats afford indigenous peoples the best representation.¹⁸⁶ Other areas of human rights are also crucial; notably, the Declaration codifies that indigenous people deserve the right to prosper in an environment free from discrimination or fear of violence or forced relocation, and should be afforded the same rights to freedom of expression and assembly that their non-indigenous peers enjoy.¹⁸⁷

¹⁷⁷ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009, p. 131-132.

¹⁷⁸ United Nations, Human Rights Council, Expert Mechanism on the Rights of Indigenous Peoples, Study on Lessons Learned and Challenges to Achieve the Implementation of the Right of Indigenous Peoples to Education, A/HRC/12/33, 2009.

¹⁷⁹ United Nations, Human Rights Council, Expert Mechanism on the Rights of Indigenous Peoples, Study on Lessons Learned and Challenges to Achieve the Implementation of the Right of Indigenous Peoples to Education, A/HRC/12/33, 2009.

¹⁸⁰ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009, p. 157-159.

¹⁸¹ Declaration on the Rights of Indigenous Peoples, 2007.

¹⁸² United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009, p. 156.

¹⁸³ Pan-American Health Organization, Health Service Delivery in Areas Inhabited by Indigenous Peoples, 2009.

¹⁸⁴ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009, p. 192.

¹⁸⁵ United Nations, Human Rights Council, Expert Mechanism on the Rights of Indigenous Peoples, Final Study on indigenous peoples and the right to participate, 2011.

¹⁸⁶ United Nations, Human Rights Council, Expert Mechanism on the Rights of Indigenous Peoples, Final Study on indigenous peoples and the right to participate, 2011.

¹⁸⁷ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009, p. 200-208.



Conclusion

Indigenous peoples' rights are significantly better recognized and protected than they were just a few decades ago. Despite the international legal system's rapid evolution, state policy often lags far behind, leading to the continued persecution, exploitation and discrimination against indigenous people. This often occurs in the context of a developing state seeking to modernize, but indigenous people in developed states such as the United States, Canada, Australia, and New Zealand suffer from considerable gaps in economic development, quality of health, and educational attainment.¹⁸⁸ Accordingly, any solutions will require the inclusion of both developed and developing states.

There are several questions you should consider as you begin to research your topic. First, what is the status of indigenous people in your state? Is there a dominant indigenous group, or, in the case of states like Bolivia, several? How has the state implemented its responsibilities under the Declaration? Does your state provide for the political representation of indigenous groups? Second, have any indigenous groups in your state appealed to supranational groups, such as the Human Rights Council or the Inter-American Commission on Human Rights, to resolve rights-based disputes? Third, what does a rights-based approach to the protection of indigenous groups mean for the development of related international law? Fourth, how can some of the key areas – culture, education, environment, health – be protected further? What kind of mechanisms must be implemented at the state, regional or international levels to ensure implementation of these requirements? Finally, due to space constraints, numerous indigenous issues, such as the challenges faced by children and gender issues, have not been included in this background guide. That does not mean they are not important, however. How can these issues be addressed? Is there anything unique about the challenges faced by these groups in these areas?

¹⁸⁸ United Nations, Permanent Forum on Indigenous Issues, State of the World's Indigenous Peoples, 2009.

Annotated Bibliography

Ahrén, Matthias. (2009). The Provisions on Lands, Territories and Natural Resources in the UN Declaration on the Rights of Indigenous Peoples: An Introduction. In Charters, Claire, and Stavenhagen, Rodolfo, eds. (2009). *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. pp. 200-215. Retrieved July 19, 2013 from:

http://www.iwgia.org/iwgia_files_publications_files/making_the_declaration_work.pdf

Ahrén, is the chief lawyer and President of the Saami Council, a group of indigenous people in the Northern most areas of Scandinavia. In this book chapter, part of an excellent compendium of scholarly writings on the Declaration of Indigenous People, Ahrén explains how the legal system established by the Declaration functions and how it will help indigenous people.

Anaya, S. James. (2009). The Right of Indigenous Peoples to Self-Determination in the Post-Declaration Era. In Charters, Claire, and Stavenhagen, Rodolfo, eds. (2009). *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. pp. 184-199. Retrieved July 19, 2013 from: http://www.iwgia.org/iwgia_files_publications_files/making_the_declaration_work.pdf

Among the rights enumerated by the Declaration was the basic human right of self-determination – both within indigenous communities and to the society at large. This is particularly relevant for decisions made at the nation-state level that can affect indigenous people. Anaya is the Special Rapporteur for Indigenous People for the Human Rights Council.

Declaration on the Rights of Indigenous People. (2007). Retrieved July 19, 2013 from:

http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

This Declaration, while lacking the weight of a treaty, is nonetheless the foundation of international law in the area of indigenous issues. It lays out a series of rights that all indigenous peoples have and guarantees that states need to provide. This should be the starting point for all research.

Engle, Karen. (2011). *On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights*. *European Journal of International Law* 22(1):141-163.

Engle's article tracks the development of the Declaration in the context of the international human rights regime. She shows that advocates of rights for indigenous people were initially skeptical of human rights law, concerned over its reliance on the language of protection of individual rights rather than broader cultural protection. This is an excellent history of the development of the Declaration.

Foster, George K. (2012). *Foreign Investment and Indigenous Peoples: Options for Promoting Equilibrium Between Economic Development and Indigenous Rights*. *Michigan Journal of International Law* 33:627.

The right to economic development is one of the key principles enshrined in the Declaration. However, external investment is often needed to develop the areas that indigenous people have traditionally called home. This is reminiscent of earlier eras of colonialism.

International Labour Organization. (1989). Convention No. 169.

Convention No. 169 was an update to Convention No. 107, which was the first precedent in international law related to indigenous people. Whereas 107 was viewed largely as a way to help indigenous people integrate into the society at large, 169 provided protection for them while allowing them to flourish on their own. As a convention of the International Labour Organization, many of its clauses deal with employment related issues.

Pasqualucci, Jo M. (2006). "The Evolution of International Indigenous Rights in the Inter-American Human Rights System." *Human Rights Law Review* 6 (2): 281-332.

Pasqualucci is a scholar of indigenous issues in international law, with a particular focus on the Americas and the Inter-American Commission and Court. Published shortly before the passing of the Declaration, it frames the debate over the Declaration in relation to the work the OAS had already done. Ironically, the OAS has yet to pass a comparable declaration.

United Nations Economic & Social Affairs. (2010, February 7). *State of the World's Indigenous Peoples*. Retrieved July 2, 2013, from http://www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf

The first comprehensive, global report of the state of indigenous rights, this is an indispensable resource for delegates seeking a broad understanding of the current conditions (as of 2010) of indigenous people. Examining each of the Permanent Forum's mandated issue areas, it outlines problems and includes some basic prescriptions for the future. It concludes with some other issues, including globalization and refugee issues that could quickly develop into larger problems.

United Nations Economic and Social Council. (July 28 2000). Resolution 2000/22 (2000). [Establishment of a Permanent Forum on Indigenous Issues] (E/RES/2000/22). Retrieved July 19 2013 from: <http://www.un-documents.net/e2000r22.htm>

One of the primary goals of the first International Decade of the World's Indigenous Peoples was the establishment of an expert panel to advise UN agencies regarding issues related to the indigenous. This resolution established the Permanent Forum on Indigenous Issues as a result. The Forum advises ECOSOC primarily (but other agencies as well), coordinate activities, and ensure that the Council is up to date on issues related to indigenous people. Refer to this resolution for the Council's mandate and membership.

United Nations, Secretary General. (2005). "Final Report of the High Commissioner for Human Rights reviewing the activities within the United Nations system under the programme for the International Decade of the World's Indigenous People" (E/CN.4/2005/87).

The First International Decade was successful in a number of areas, including raising awareness of indigenous issues, including indigenous issues on many agencies' agendas, and creating an expert panel on indigenous issues (the Permanent Forum). However, it fell short in some of its goals, most notably the passing of the Declaration. This report goes into detail on the activities of the UN during the Decade.

III. Permanent Sovereignty Over Their Natural Resources for the Palestinian People and the Arab Population in the Occupied Syrian Golan

Introduction

The 1967 war between Israel and its Arab neighbors (also known as the Six-Day War) resulted in the capture by Israel of the Palestinian territories of the West Bank and the Gaza Strip, as well as Syria's Golan Heights.¹⁸⁹ Israel still controls these territories, the populations that live there, and the natural resources inherent to the land, including water, mineral, and agricultural resources.¹⁹⁰ The Palestinian Authority estimates that the restrictions Israel places on these resources costs Palestinians nearly USD 3 billion annually, or about 30% of GDP.¹⁹¹

Background

Before World War I, the areas now known as Israel and the Palestinian territories were part of the province of Greater Syria within the Ottoman Empire.¹⁹² After the Ottoman Empire's defeat, the United Kingdom administered Palestine under the Mandate system, under which British administered the territory with the expectation that it would one day achieve statehood.¹⁹³ Increased discrimination in Nazi Germany as well as the atrocities of the Holocaust fuelled another wave of Jewish immigration to Israel; in 1914, there were approximately 100,000 Jewish residents of Palestine, but over 600,000 by the end of 1946.¹⁹⁴ In comparison, at the end of 1946, there were approximately 1.2 million Palestinian Arabs.¹⁹⁵ This increased migration and the accompanying tension and armed violence led to the British withdrawing from Palestine; upon their withdrawal, on May 14, 1948, Jewish leaders in Mandate Palestine declared the creation of the State of Israel, launching the 1948 Arab-Israeli War.¹⁹⁶

The question of the eventual status of the territory of Mandate Palestine had already been an instant international concern. In 1947, the United Nations Special Committee on Palestine (UNSCOP), comprised of Sweden, the Netherlands, Czechoslovakia, Yugoslavia, Australia, Canada, India, Iran, Guatemala, Mexico, and Peru, released a series of recommendations regarding territorial partition and economic and political coordination between new Jewish and Arab states.¹⁹⁷ The Committee recommended the partition of the British Mandate into two states, with the new Jewish state comprising approximately 55% of Palestine under the Mandate and the new Arab state comprising most of the remaining 45%, leaving Jerusalem as an international city.¹⁹⁸ While Jewish leaders supported the plan due to its recognition of Israeli statehood, Arab leaders rejected it, in part because it did not reflect the population proportion.¹⁹⁹ After the unilateral declaration of Israeli independence in May 1948, the surrounding Arab states immediately went to war with Israel over these boundaries, and in the 1948 Arab-

¹⁸⁹ Smith, *Palestine and the Arab-Israeli Conflict*, 2013.

¹⁹⁰ Palestinian Authority, Ministry of National Economy, *The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory*, 2011.

¹⁹¹ Palestinian Authority, Ministry of National Economy, *The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory*, 2011.

¹⁹² Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 19.

¹⁹³ League of Nations, *The Palestine Mandate*, 1922.

¹⁹⁴ British Mandate, *Survey of Palestine*, p. 143, 185; Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 25.

¹⁹⁵ British Mandate, *Survey of Palestine*, p. 143.

¹⁹⁶ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 198.

¹⁹⁷ United Nations, Special Committee on Palestine, Report to the General Assembly, 1947.

¹⁹⁸ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 189.

¹⁹⁹ Urquhart, Brian, *The United Nations in the Middle East: A 50-Year Retrospective*, 1995.

Israeli War, Israel captured a significant portion of the land granted to the Arab state in the UNSCOP partition plan.²⁰⁰ Additionally, during these battles, approximately 700,000 of the 860,000 or so Palestinians that lived within the borders of what became the new State of Israel were expelled or otherwise forcibly displaced; they and their descendants, who now total approximately 5 million people, still live in refugee camps in the West Bank, Gaza Strip, Jordan, Lebanon, and Syria.²⁰¹ No Arab or Palestinian state was established after these battles; instead, the West Bank was occupied and administered by Jordan while the Gaza Strip was occupied and administered by Egypt.²⁰² These boundaries remained largely static until the 1967 Six-Day War.²⁰³

Like any conflict, the Six-Day War had many causes, including continued animosity between Arab states and Israel, Cold War tensions, continual forcible displacement of Palestinians by Israel, collective punishment of the Palestinian population, and attacks from the newly formed Palestine Liberation Organization, but the most relevant reason for this background guide concerns the ongoing conflict between Syria and Israel over water resources.²⁰⁴ Several clashes between the two states (as well as Jordan) had occurred in the 1950s because the River Jordan, which separates Israel and the West Bank from Syria and Jordan, is the main source for water in the region.²⁰⁵ Because the Jordan River flows south, diversions of water by Israel can affect downstream water supplies in Syria as well as Jordan.²⁰⁶ Israel had nearly completed a project to divert water from Lake Tiberias, along the Jordan River, by 1964, which led Arab states to collaborate on a project of their own.²⁰⁷ Skirmishes between Israel and Syria and Israel and Jordan around these waterworks projects intensified in 1966, underscoring just how important water resources were to the region.²⁰⁸ As the tension intensified, it pulled in Egypt as well, which closed Israeli access to the Straits of Tiran, an important shipping lane for Israel.²⁰⁹

The Six-Day War was fought from June 5-10, 1967.²¹⁰ Israel secured a quick victory in this war, capturing the West Bank from Jordan, the Gaza Strip from Egypt, and the Golan Heights from Syria.²¹¹ Israel still retains control over all three territories, and the people that live within them are subject to Israeli military rule.²¹² It has formally annexed East Jerusalem and the Golan Heights, meaning that Israel considers them to be part of its territory, not occupied lands; this annexation is not recognized internationally.²¹³ This occupation has been characterized by restrictions of movement for Palestinians; the confiscation of Palestinian land, water, and other resources; the settlement of Israelis in these territories, though settlement creation and expansion were stopped in Gaza, and existing settlements in Gaza dismantled, in 2005; and numerous human rights violations, documented by a myriad of sources including Israeli human rights group B'Tselem.²¹⁴ Although many of these characteristics affect

²⁰⁰ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 203.

²⁰¹ United Nations, Relief and Works Agency, *Statistics*, 2013.

²⁰² Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 202.

²⁰³ Smith, *Palestine and the Arab-Israeli Conflict*, 2013.

²⁰⁴ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 267-270.

²⁰⁵ Peretz, *River Schemes and their Effect on Economic Development in Jordan, Syria, and Lebanon*, 1964.

²⁰⁶ Peretz, *River Schemes and their Effect on Economic Development in Jordan, Syria, and Lebanon*, 1964.

²⁰⁷ Sosland, *Cooperating Rivals: The Riparian Politics of the Jordan River Basin*, 2007, p. 70-92.

²⁰⁸ Sosland, *Cooperating Rivals: The Riparian Politics of the Jordan River Basin*, 2007, p. 89-92.

²⁰⁹ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 280-281.

²¹⁰ Smith, *Palestine and the Arab-Israeli Conflict*, 2013.

²¹¹ Smith, *Palestine and the Arab-Israeli Conflict*, 2013, p. 289.

²¹² Roy, *Praying with their Eyes Closed: Reflections on the Disengagement from Gaza*, 2005.

²¹³ Shipler, *The Golan Heights Annexed By Israel in an Abrupt Move*, 1981.

²¹⁴ B'Tselem, *2011 Annual Report*, 2012.

United Nations, General Assembly, *Economic and Social Repercussions of the Israeli Occupation on the Living Conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan*, E/2013/13, 2013.

Palestinians' access to their natural resources, the settlements are particularly problematic as Israel diverts resources to them.²¹⁵

International Framework

The United Nations started showing its collective concern over natural resources early. At the eighth session of the Commission on Human Rights in 1952, Member States debated and approved a resolution (E/CN.4/L.24) that declared that peoples' right to self-determination was not just political but also extended to "permanent sovereignty over their natural wealth and resources."²¹⁶ By 1958, the issue had drawn the attention of the General Assembly, who decided in Resolution 1314 (XII) of that year that the right to self-determination extended to the domain of natural resources.²¹⁷ Self-determination over natural resources was also a key component of the *Declaration and an Action Programme on the Establishment of a New Economic Order* (NIEO), approved by the General Assembly in resolution form (A/RES/S-6/3202).²¹⁸ The NIEO was a movement led by developing Member States to confront and halt the gap between rich and poor states; natural resources were viewed as a "development instrument" that many states sought to nationalize, as many resources were controlled by legacy corporate entities from the state's colonial period.²¹⁹ The NIEO called for the "restitution and full compensation for the exploitation and depletion of [...] natural resources."²²⁰ As the General Assembly has continued to address this issue, it has recognized the rights of occupied territories to "explore and exploit natural resources freely," have control over resources, be compensated for any exploitation by colonial or occupying powers, "use natural resources for development," manage them through domestic policy, gain a share of benefits to any trans-boundary resources, regulate foreign investment, nationalize resources under foreign control, and settle such disputes based on domestic laws, so long as they are in compliance with international law.²²¹

The exploitation of natural resources by an occupying power is also counter to several extra-United Nations agreements regarding the conduct of states in a period of belligerence. The *Hague Convention of 1907* forbids the pillage, the confiscation of private property, and the requisition of state resources beyond those needed to provide services within an occupied territory by the occupying power.²²² The *Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949* (Fourth Geneva Convention) includes a ban on pillage, the confiscation of property, the use of the territory for non-military purposes, the transfer of the occupying power's citizens into occupied territories, and the forced removal of citizens in the occupied territories.²²³ *Protocol I of the Fourth Geneva Convention of 1977* also prohibited the destruction or cutting off of access to objects important to survival, such as agricultural areas and drinking water as well as required that that the natural environment be protected; Israel is not a part to the Additional Protocol.²²⁴ The Security Council has affirmed the applicability of the Hague Convention and Geneva Conventions to this conflict numerous times, most recently in Resolution 1674 (2006) and Resolution 1894 (2009).²²⁵

²¹⁵ B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, 2011.

²¹⁶ United Nations, Commission on Human Rights, Report of the Commission, E/2256

²¹⁷ United Nations, General Assembly, A/RES/1314

²¹⁸ United Nations, General Assembly, A/RES/S-6/3201, 1974; United Nations, General Assembly, A/RES/S-6/3202, 1974.

²¹⁹ Schrijver, *Sovereignty Over Natural Resources*, 1997, p. 83.

²²⁰ United Nations, General Assembly, A/RES/S-6/3201, 1974.

²²¹ Schrijver, *Sovereignty Over Natural Resources*, 1997, 258-305.

²²² Hague Convention, 1907, articles 40-56.

²²³ Fourth Geneva Convention, articles 33, 49

²²⁴ Fourth Geneva Convention, Additional Protocol I, 1977.

²²⁵ United Nations, Security Council, Resolution 1674, 2006; United Nations, Security Council, Resolution 1894, 2009.

The General Assembly first addressed the issue of natural resources in the oPt back in 1973, when it noted the exploitation of resources in these territories and the illegality of Israeli actions in this regard (A/RES/3175).²²⁶ In 1977, the General Assembly again took up this issue, reaffirming that peoples in the occupied territories had a right to these resources and to any wealth or economic activity that could be gained by their use, reaffirmed that Israeli activities were illegal and called for restitution in this regard, and called upon Member States to work to counter this activity.²²⁷ This has served as the general framework for several subsequent resolutions, most recently GA resolution 67/229 in December 2012.²²⁸ The Secretary-General has also been tasked with investigating the situation on the ground, which occurred most recently in 1985.²²⁹ More recent reports have also touched upon these issues, however, without focusing on them exclusively.²³⁰ This issue has also recently received attention from the United Nations Environment Programme (UNEP), including a 2009 report on the environmental effects of the 2008-2009 conflict in Gaza.²³¹ A 2012 UNEP resolution reaffirmed the rights of Palestinians to the resources in their territories.²³² Israel has dismissed these concerns as politicized, and as less important than other issues before the Assembly.²³³

Natural Resource Exploitation in the Occupied Territories

Criticisms of Israeli policy in regards to resources are numerous, but they generally fall into a few categories: water consumption, mineral extraction, and the destruction or seizing of cropland and crops themselves.

Water

The Secretary-General found that Israel artificially restricts the availability of water to Palestinians in the West Bank, with Israel consuming 89% of available water and Palestinians the remaining 11%.²³⁴ As a result, per capita water consumption among Palestinians in the West Bank averages below 70 liters per day, compared to Israeli settlers' average per capita consumption of 450 liters per day, although as averages, these figures vary across the West Bank.²³⁵ Some Palestinian villages, in fact, have no access to running water as a consequence of water prioritization toward Israeli settlers, as well as poor Israeli-built infrastructure and water theft by Palestinian farmers.²³⁶ This is despite the fact that the West Bank is home to three major aquifers that could fulfill Palestinian needs, according to a report released by the

²²⁶ United Nations, General Assembly, A/RES/3175, 1973.

²²⁷ United Nations, General Assembly, A/RES/32/161, 1977.

²²⁸ United Nations, General Assembly, A/RES/67/229, 2012.

²²⁹ United Nations, Secretary-General, Report of the Secretary-General prepared in pursuance of General Assembly decision 39/442, A/40/381, 1985.

²³⁰ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²³¹ United Nations, Environment Programme, Environmental Assessment of the Gaza Strip, 2009.

²³² United Nations, Environment Programme, Permanent sovereignty of the Palestinian people in the Occupied Palestinian territory, including occupied Syrian Golan over their natural resources, Resolution 66/225, 2009.

²³³ Permanent Mission of Israel to the United Nations, Statement by Dr. Uri Resnick, Ministry of Foreign Affairs, on "Permanent Sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources," 2009.

²³⁴ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²³⁵ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²³⁶ B'Tselem, Villages not connected to a water network, January 1, 2011.

Palestinian Authority as well as scholarly analysis.²³⁷ Similarly, Arabs in the Golan Heights are allotted less than one-third the water as Israeli settlers.²³⁸ In Israeli-Syrian negotiations over the Golan Heights, water was a key sticking point.²³⁹ Gaza residents, who faced a longstanding water shortage, saw decreased water supplies as a result of the 2008-2009 conflict.²⁴⁰

Mineral Extraction

Israel also gives private companies access to mineral resources within the West Bank. Most prominently, the Ahava company uses mud from the Dead Sea as a therapeutic cosmetic product.²⁴¹ Ahava has an annual revenue of 142 million USD.²⁴² The Dead Sea is also mined for chemicals and salt, costing Palestinians 1.6 billion USD in lost revenue annually, according to the Palestinian Authority.²⁴³ Israel also allows Israeli companies to mine within the West Bank with the expectation that a portion of revenues would be transferred to the Palestinian Authority, but that money has reportedly never materialized.²⁴⁴ One such quarry, which produces building materials, was challenged in the Israeli High Court; however, the High Court ruled that this activity was not exploitative because Palestinians are allowed to work at the quarry.²⁴⁵ The West Bank and Gaza also sit on large oil and natural gas reserves, although the conflict has prevented their extraction (and related revenues).²⁴⁶ Israel has also reportedly started drilling for oil in the Golan Heights.²⁴⁷

Agriculture

In addition to the limitations on water consumption, which affects farmland across the occupied territories to the extent that only 9% of cultivatable land has access to water in the West Bank, Palestinian farmers face the confiscation of land and the uprooting of orchards for the construction of new settlements or as a punitive measure by Israeli forces.²⁴⁸ For instance, the first Secretary-General report on the issue noted that farmland near the village of Akraha was sprayed with destructive chemicals by the Israeli military because its crops were planted in an Israeli-declared “security zone.”²⁴⁹ Settlers have also been known to

²³⁷ Palestinian Authority, Ministry of National Economy, *The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory*, 2011.

Assaf, Karen, *Managing Palestine’s Water Budget: Providing for Present and Future Needs*, 2009.

²³⁸ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²³⁹ Amery, *Water Wars in the Middle East: A Looming Threat*, 2002.

²⁴⁰ United Nations, Environment Programme, *Environmental Assessment of the Gaza Strip*, 2009.

²⁴¹ B’Tselem, *Dispossession and Exploitation: Israel’s Policy in the Jordan Valley and Northern Dead Sea*, 2011.

²⁴² United Nations, General Assembly, Note by the Secretary-General: Situation of Human Rights in the Palestinian Territories occupied since 1967, A/67/379, 2012.

²⁴³ Palestinian Authority, Ministry of National Economy, *The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory*, 2011.

²⁴⁴ B’Tselem, *Dispossession and Exploitation: Israel’s Policy in the Jordan Valley and Northern Dead Sea*, 2011.

²⁴⁵ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²⁴⁶ UPI, *Palestinians say there’s oil in West Bank*, May 8, 2013.

²⁴⁷ UPI, *Israel Ok’s drilling on occupied Golan*, February 22, 2013.

²⁴⁸ Palestinian Authority, Ministry of National Economy, *The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory*, 2011;

B’Tselem, *Dispossession and Exploitation: Israel’s Policy in the Jordan Valley and Northern Dead Sea*, 2011.

²⁴⁹ United Nations, Secretary-General, *Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories*, A/8828, 1972.



destroy trees and crops, particularly during the olive harvest.²⁵⁰ Land confiscation, which has gone to the creation of settlements, the Israeli Separation Barrier, and roads connecting settlements, also continues.²⁵¹ Although the primary effect is the shrinking of cropland, this also limits the flow of commerce because it isolates communities, leading to a decreased ability for Palestinians to sell their crops.²⁵²

Conclusion and Next Steps

The international community has long recognized the right to self-determination over natural resources of all peoples, whether they are in an independent state or people living under military occupation. Through its support of settlements at the expense of Palestinians, as well as more general restrictions on Palestinians, Israel continues to exploit natural resources that the international community agrees belong to the Palestinians. The most prominent of these is water, but Israeli actions also limit the ability of Palestinians to grow crops or utilize the other natural resources of their land. With continued settlement expansion in the West Bank and continued occupation of the West Bank, Gaza and the Golan Heights, this shows little sign of abating.

Although the international community is largely in consensus on this issue, it is important to note that Israel disagrees. To Israel, international agreements such as the Geneva Conventions do not apply to the Palestinians because they are under no state authority that has agreed to the Convention.²⁵³ Consequently, it is likely that the Israeli government will not refrain from this activity without outside pressure. The most prominent external pressure has come from the European Union, which issued a guideline in 2013 that restricted the awarding of any kind of grants or funding to Israeli institutions within the West Bank or Golan Heights.²⁵⁴ This guideline was met with a harsh rebuke from Israel, who suggested that negotiations were the proper forum for this issue.²⁵⁵

As you begin to investigate this issue, consider your state's position foremost. What is its position on settlements – does it find them illegal? Furthermore, consider what kinds of policies can elicit a response from Israeli authorities. How would such policies be implemented, and would monitoring be required within the Occupied Territories? How can control over Gaza's territorial waters be managed between Israel, Egypt and the Palestinians to ensure Palestinian control over resources in these waters? How can international law be applied effectively within vastly different legal systems and degrees of occupation?

²⁵⁰ United Nations, General Assembly, Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, A/68/77, 2013.

²⁵¹ Falah, Dynamics and Patterns of the shrinking of Arab lands in Palestine, 2003.

²⁵² Palestinian Authority, Ministry of National Economy, The Economic Costs of the Israeli Occupation for the occupied Palestinian Territory, 2011.

²⁵³ BBC, The Geneva Convention, December 10, 2009.

²⁵⁴ Sherwood, EU Takes tougher stance on Israeli settlements, July 16, 2013.

²⁵⁵ Sherwood, EU Takes tougher stance on Israeli settlements, July 16, 2013.



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Amery, Hussein. (2002). Water Wars in the Middle East: A Looming Threat. *The Geographical Journal* 168:(4) , 313-323.

One of the scarcest resources in the Middle East is water, which was a primary factor in at least one war between Israel and its Arab neighbors. This article examines how war almost broke out between Israel and Lebanon over water. It further argues that water wars may become more common in the coming years.

B'Tselem. (2012). *Human Rights in the Occupied Territories: 2011 Annual Report*. Retrieved September 8, 2013, from: http://www.btselem.org/download/2011_annual_report_eng.pdf

B'Tselem, an Israeli organization, is one of the most respected human rights organizations examining the Israel-Palestine conflict. It does not hesitate to point out human rights violations perpetuated by either Israelis or Palestinians. This report, delivered at the beginning of 2012, is a snapshot of conditions within the West Bank and Gaza Strip.

British Mandate. (1946). *A Survey of Palestine*. Retrieved September 8, 2013, from: <http://www.palestineremembered.com/Acre/Books/Story831.html>

At the end of World War I, the League of Nations tasked the United Kingdom with the administration of the former Ottoman territories then known as Palestine. During this time, British authorities faced violence from both sides, with neither side happy with their actions. Before their withdrawal, which precipitated Israel's declaration of independence, British administrators conducted an extensive study of the Palestinian and Zionist populations.

Fourth Geneva Convention. (1949).

After World War II, the international community sought to end war and developed a number of international institutions (like the United Nations) and international law to limit it. The Geneva Conventions prescribed exactly what could and could not be done during war. The Fourth Convention deals with the protection of civilians in war zones. Relevant to this conflict, it states that there can be no confiscation of property or the relocation of citizens.

Roy, Sara. (2005). Praying with their Eyes Closed: Reflections on the Disengagement from Gaza. *Journal of Palestine Studies* 34: (4), 64-74.

Israel's withdrawal from the Gaza Strip in 2005 was widely viewed as a positive step toward peace, but much of that analysis neglected to mention Israeli motivation for taking such steps. This article, while not always convincing, offers a provocative alternative view. It shows that Israeli's actions were driven by economic as well as political considerations within Israel.

Smith, Charles D. (2013). *Palestine and the Arab-Israeli Conflict*. Boston: Bedford/St. Martin's Press.

This textbook is one of the best sources of information on the Israel-Palestine conflict. It traces its evolution from just before World War I to the present day. Furthermore, it explains how each event created the conditions in which future events occurred, therefore providing clarity into an otherwise murky topic. It also contains several primary source



documents from the period and clarifies the role of the international community in the conflict.

Schrijver, Nico. (1997). *Sovereignty Over Natural Resources*. Cambridge: Cambridge University Press. *Schrijver is an expert in international law at the University of Leiden. This book traces the evolution of international law related to natural resources. It uses the occupied Arab territories as an intensive case study, elucidating the numerous factors driving efforts to secure various natural resources rights.*

United Nations, General Assembly. (1977). Resolution 32/161. [Permanent sovereignty over natural resources in the occupied Arab territories]. (A/RES/32/161). Retrieved September 8, 2013, from: <http://unispal.un.org/UNISPAL.NSF/0/7534F9941975D298852560DD006CDAF8>

While the international community recognized early on that citizens of colonial countries were being exploited, it took until the 1970s for this recognition to be extended to the Arab territories. This explicitly stated that the Arab citizens under Israeli occupation had the right to the natural resources of the land and deserved compensation for any exploited resources. While not the first resolution to do this, this particular resolution served as a template for several subsequent ones as the conflict is still not resolved.

United Nations, General Assembly. (2013). "Note by the Secretary-General on Economic and Social Repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan." (A/68/77, E/2013/13). Retrieved September 8, 2013, from: <http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/373870616ffc038185257b8e004b2ec4?OpenDocument>

The General Assembly semi-regularly asks the Secretary-General to report on the economic and social conditions in the Occupied territories. This report discusses these issues, using statistics to underscore the severity of the situation where appropriate. In several sections, it discusses the confiscation or destruction of farmland as well as water related issues.

Urquhart, Brian. (1995). The United Nations in the Middle East: A 50-Year Retrospective. *Middle East Journal*, 49 (4): 572-581.

This article traces the evolution of the UN's involvement in Middle Eastern affairs. In the early period of the 1940s, this was largely limited to the Special Committee on Palestine's efforts to partition Palestine between an Arab and an Israeli state. However, as the conflicts between Middle Eastern countries intensified, the United Nations was drawn in more completely. Nonetheless, UN actions have been largely on the periphery.



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