

# ECOSOC: EXPERT REPORT

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RESPECT FOR THE RIGHTS OF INDIGENOUS  
GROUPS



**KUTAFIN MODEL  
UNITED NATIONS**



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# GLOSSARY

## **ECOSOC**

United Nations Economic and Social Council. One of the six principal UN organs responsible for coordinating activities in economic, social, cultural, and human rights fields. The central platform for discussing indigenous issues.

## **ILO**

International Labour Organization. A specialized UN agency that develops key labor conventions, including Convention No. 169 ("ILO C169") concerning Indigenous and Tribal Peoples.

## **UN HUMAN RIGHTS COUNCIL ("UNHRC")**

an intergovernmental UN body responsible for strengthening and protecting human rights worldwide. It oversees the work of the Special Rapporteur and the Expert Mechanism on the Rights of Indigenous Peoples.

## **UN PERMANENT FORUM ON INDIGENOUS ISSUES ("UNPFII")**

an advisory body to ECOSOC comprising 16 independent experts (8 nominated by governments, 8 by indigenous organizations). It addresses indigenous issues related to development, culture, and the environment.

## **EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES ("EMRIP")**

a subsidiary body of the UN Human Rights Council. It provides thematic research and expert advice on the implementation of the UNDRIP.

## **UN SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES**

an independent expert appointed by the UNHRC to monitor, report on, and advise regarding the situation of indigenous peoples' rights worldwide. It can conduct country visits and respond to individual complaints.

## **UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ("UNDRIP")**

the most comprehensive international instrument establishing minimum standards for the survival, dignity, well-being, and rights of indigenous peoples worldwide. It is a political and moral declaration, not a legally binding treaty.

## **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ("ICCPR")**

a core UN human rights treaty. Article 1 (right to self-determination) and Article 27 (rights of persons belonging to minorities) are key legal bases for protecting indigenous collective and cultural rights.

# GLOSSARY

## **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ("ICESCR")**

a core UN human rights treaty guaranteeing rights essential for indigenous peoples' livelihoods and cultural integrity, such as the right to health, education, and to take part in cultural life.

## **CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION ("CERD")**

a key treaty used to combat discrimination against indigenous peoples. The CERD Committee often addresses land rights and consultation issues as forms of racial discrimination.

## **CONVENTION ON THE RIGHTS OF THE CHILD ("CRC")**

guarantees specific rights for indigenous children, including the right to enjoy their own culture, religion, and language.

## **SELF-DETERMINATION**

the right of all peoples, including indigenous peoples, to freely determine their political status and pursue their economic, social, and cultural development. In the indigenous context, it often refers to internal self-determination (autonomy, self-government) within existing states.

## **FREE, PRIOR AND INFORMED CONSENT ("FPIC")**

a crucial procedural right and principle. It means that indigenous peoples must be able to give or withhold their consent to any project or legal measure affecting their lands, territories, or rights.

## **COLLECTIVE RIGHTS**

rights that are held and exercised by a group (a people, community) as a whole, rather than by individuals separately. Indigenous rights to land, culture, and self-government are inherently collective.

## **LANDS, TERRITORIES, AND RESOURCES**

refers to the total environment of the areas which indigenous peoples traditionally own, occupy, or otherwise use. Their spiritual, cultural, and physical survival depends on these lands.

## **CULTURAL INTEGRITY**

the right of indigenous peoples to maintain, protect, and develop their distinct cultural identities, languages, knowledge systems, traditions, and spiritual practices.

## **CONSULTATION**

a process of dialogue and negotiation between states and indigenous peoples regarding measures that may affect them. \*Meaningful consultation is a cornerstone of FPIC and is a specific obligation under ILO C169.

# GLOSSARY

## **TRADITIONAL KNOWLEDGE**

the knowledge, innovations, and practices of indigenous peoples developed through experience and adapted to the local culture and environment.

## **HISTORICAL TRAUMA**

the cumulative emotional and psychological wounding across generations, resulting from massive group experiences such as colonization, forced assimilation, and cultural genocide.

## **EXTRACTIVE ECONOMY**

an economic model based on the large-scale extraction and export of natural resources (oil, gas, minerals, timber). It often leads to the exploitation and degradation of indigenous territories without their consent.

## **PLURINATIONAL STATE**

a state model that constitutionally recognizes itself as composed of multiple distinct nations or peoples with equal rights to self-determination and co-governance.

## **INDIGENOUS AND TRIBAL PEOPLES**

the term used in ILO C169. It encompasses both:

- Indigenous peoples – descendants of pre-colonial/invasion societies.
- Tribal peoples – those whose social, cultural, and economic conditions distinguish them from other national segments.

## **NATIVE TITLE**

a legal doctrine recognizing that indigenous rights to land and water (based on traditional law and custom) can survive colonization and be recognized by the national legal system.

## **ASSIMILATION**

a state policy aimed at causing indigenous peoples to cease to exist as distinct cultural, linguistic, or legal groups by absorbing them into the dominant society. Contrasts with the modern principle of integration with respect for identity.

## **TERRA NULLIUS**

a now-discredited colonial-era legal doctrine meaning "land belonging to no one". It was used to justify the seizure of indigenous territories by declaring them vacant or uncivilized.

## **GREEN COLONIALISM**

the imposition of environmental or climate mitigation projects on indigenous lands without their FPIC, often under the banner of "green" development.

# GENERAL PROVISIONS ON THE UN ECONOMIC AND SOCIAL COUNCIL

ECOSOC is the United Nations Economic and Social Council, one of the six main organs of the United Nations. Its general provisions (main goals, functions, and structure) are enshrined in Chapter X of the UN Charter (Articles 61-72).

The main objective of the ECOSOC is to promote international cooperation in addressing global economic, social, cultural, and humanitarian challenges, as well as to encourage universal respect for human rights and fundamental freedoms. This is the UN's central platform for discussing, formulating policies, and coordinating actions in these areas.

The Council consists of 54 UN member states. They are elected by the UN General Assembly for a three-year term. Each member has one vote. Decisions are made by a simple majority of those present and voting.

## Key functions and powers of ECOSOC

ECOSOC was established to conduct and / or organize research, prepare reports and make non-binding recommendations to the General Assembly, Member States and specialized UN agencies on a wide range of international issues, such as economy, social sphere, culture, education, health, human rights.

ECOSOC coordinates the activities of specialized UN agencies (such as WHO, ILO, UNESCO, FAO, etc.) through consultations and recommendations, as well as aligns their work with the UN.

Non-governmental organizations (the “NGOs”), such as Amnesty International or Greenpeace, apply to the United Nations Economic and Social Council for consultative status. This status allows them to participate in meetings and represent the interests of civil society, as well as prepare draft international conventions on human rights, climate change, or economic development for further consideration by the United Nations General Assembly.

ECOSOC's outcome document, resolution, is the official result of its sessions, which is the main form of the committee's activity and takes place once a year in July, lasts for four weeks, containing decisions, recommendations, and conclusions agreed upon by member states. The specific form and title depend on the type of document and the level at which it is adopted. These are the most important and formal final documents. They are adopted at the end of the main session of the ECOSOC or its subsidiary bodies. It contains statements of the problem, references to previous UN documents, specific calls for action for states, UN bodies, and other international organizations.

# RELEVANCE OF THE AGENDA

For years, the problem of rights of the indigenous groups has been one of the most vulnerable points. It lies at the intersection of human rights, ecology, climate, economic development, cultural diversity, and historical justice. This fact can be explained by big historical differences in different countries.

Indigenous peoples are the custodians of 80% of the world's biodiversity. Their traditional knowledge is the key to adapting to and mitigating the effects of climate change. Most of the world's remaining resources, such as oil, gas, minerals, forests, and fresh water, are located in indigenous territories. States and transnational corporations see these lands as an economic asset, while for the peoples, they are the foundation of their lives, culture, and spirituality. This clash of values has led to hundreds of local wars and a record number of land defenders being killed (according to Global Witness, approximately 177 activists, most of them indigenous, were killed in 2022 alone).

Of the approximately 7000 languages in the world, about 4000 are indigenous languages, for example - Navajo, Tuvianian, Cherokee. Every two weeks, one of these languages dies (languages Kari – in 2020, Pazekehi – in 2010) and with it goes a unique way of thinking and knowing. Modern digital media often only accelerates assimilation.

COVID-19 has exposed the world to deep socio-economic inequalities, which are expressed, for example, in the inaccessibility of medicine due to the distance from large settlements and the isolation of the indigenous settlements. Indigenous communities have been the most vulnerable due to poverty and poor access to healthcare. This has revealed systemic gaps in the implementation of their rights to healthcare.

## HISTORICAL CONTEXT

During the era of colonization (15th –16th centuries) the doctrine of "Terra Nullius" ("No Man's Land") became a legal fiction declaring the lands inhabited by indigenous peoples as "no man's land" and open to colonization. From direct genocide to death from introduced diseases, such as smallpox and measles, to which there was no immunity, the population of the Americas decreased by 80-95% in the first 100-150 years after Columbus. The slave trade and forced labor were among the sufferings of the indigenous peoples whose lands were colonized.

### The era of assimilation and civilizing mission (19th – 20th centuries)

Forced assimilation was carried out through state policies aimed at destroying identity. Children were forcibly taken from their families and sent to special schools, where they were forbidden to speak their native language and subjected to physical and sexual abuse. The goal was to "kill the Indian in the child." There was a seizure of land and destruction of the economy, a transition to sedentary life, and the loss of hunting grounds. For example, the extermination of bison in the United States to undermine the economy of Native American tribes.

### The era of development and resource colonialism (20th century – early 21st century)

After World War II, a new phase of forced development began. Land was no longer taken for settlers, but for mega-projects such as dams, mines, oil rigs, and soybean plantations. Under the guise of progress and national interests, forced population movements occurred, leading to cultural degradation, alcoholism, and social disintegration. In the USSR, this manifested itself in the policy of consolidating settlements for the peoples of the North, converting them to sedentary lifestyles, and destroying their traditional way of life under the pretext of its "backwardness."

The consequences of these policies are not in the past. They are a trauma that is passed down through generations, manifesting itself today in the form of high levels of poverty, unemployment, alcoholism, suicide, loss of cultural identity, intergenerational disconnect, and deep distrust of government institutions.

In many countries, for example Vietnam and Thailand, the rights of indigenous peoples to their ancestral lands are still not recognized. They live on these lands, but legally, the land belongs to the state, which can issue a license for its development at any time. This is a direct continuation of the "Terra Nullius" logic.

Everyday and institutional racism against indigenous peoples is a direct legacy of colonial propaganda. The modern global economy is still based on the unlimited extraction of resources. This requires more and more victims and indigenous lands are still being taken over. Colonialism has not changed its logic. Instead of directly occupying territories, it buys licenses from governments that ignore the rights of the inhabitants.

# ACTIVITIES OF THE INTERNATIONAL COMMUNITY TO PROTECT THE RIGHTS OF INDIGENOUS PEOPLES

Within the international community the ILO Convention No. 169 was adopted, which became the first and still is the only legally binding international treaty dedicated exclusively to the rights of indigenous and tribal peoples. Its adoption was a revolution that marked the transition from a model of patronage to one of respect, self-determination, and rights.

The predecessor of the ILO C169 is the ILO Convention No. 107 (1957). It was openly assimilationist. Its goal was to integrate indigenous peoples into the “main” society, which meant the destruction of their identity. ILO Convention No. 169 changes the paradigm radically. It was developed with unprecedented participation of indigenous organizations, which laid the principle of “nothing for us without us”. The ILO Convention No.169 became part of national legislation and created specific legal obligations for some states.

The key points of the ILO Convention No.169 are:

- **Self-identification.** This is the key definition. A people is considered indigenous or tribal if they identify themselves as such. This is a subjective criterion that protects against state arbitrariness in classification. Respect for values, practices, and institutions. States are obligated to recognize and protect the social, cultural, religious, and spiritual values of peoples, as well as their own institutions.
- **The principle of participation and consultation.** The right of peoples to freely and informed participation in decisions that affect their lives.

One of the most important documents connected to indigenous people is the United Nations Declaration on the Rights of Indigenous Peoples (“Declaration” or “UNDRIP”). It is the result of 25 years of struggle, negotiation and diplomatic marathon. It is a political constitution and a moral compass for the whole world on the rights of indigenous people. The Declaration has its own philosophical core. The UNDRIP recognizes that indigenous peoples have rights not as a collection of individuals, but as integral social, cultural and political communities. This is a change in the liberal paradigm of individual rights. Indigenous peoples have the right to preserve and develop their institutions, cultures, and traditions by being equal partners in the modern world.

The Declaration is directly aimed at correcting historical injustices such as colonialism, land deprivation, and cultural genocide. The model of development imposed from the outside is rejected. The peoples themselves determine what development means to them.

The UNDRIP does not have its own treaty body. Its promotion is carried out through several options:

- The UN Special Rapporteur on the Rights of Indigenous Peoples. Conducts visits, responds to complaints, and issues reports.
- The UN Permanent Forum on Indigenous Issues ("UNPFII"), which monitors and provides recommendations to UN agencies.
- The Expert Mechanism on the Rights of Indigenous Peoples ("EMRIP"). It provides consultations, research, and thematic reports for the Human Rights Council.
- The Universal Periodic Review ("UPR"). Within the framework of the Human Rights Council, States report and are asked questions about the implementation of the CEDAW.
- Treaty bodies (CEDAW, CRC, etc.). Include CEDAW issues in their concluding observations to States.
- UN bodies and specialized agencies (UNESCO, UNDP, FAO). They are obliged to take into account CEDAW in their work.

General human rights treaties are a universal legal framework which includes the rights of indigenous peoples. They create legally binding norms that can be enforced in courts.

### 1. ICCPR (International Covenant on Civil and Political Rights)

It establishes that all peoples, including indigenous peoples, have the right to self-determination, internal self-government, and control over their resources<sup>[1]</sup>.

ICCPR protects the right of peoples to culture for minorities and indigenous peoples. This includes the right to traditional lifestyles, such as hunting, fishing, and access to sacred lands<sup>[2]</sup>.

The Human Rights Committee has established through cases (e.g. Sámi rights in Finland) that the state is obliged to consult with the people if a project threatens their way of life.

### 2. ICESCR (International Covenant on Economic, Social, Cultural Rights)

The said Covenant stated that the participation in cultural life is impossible for indigenous peoples without access to their traditional lands and resources. According to the ICESCR, taking away land means destroying culture<sup>[3]</sup>. This provision protects the material basis of life, the right to traditional food, housing, and the protection of traditional knowledge from theft.

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[1] Article 1 of the ICCPR.

[2] Article 27 + Comment 23 of the ICCPR.

[3] Remark 21 of the ICESCR.

### 3. Convention on the Elimination of Racial Discrimination (CERD)

The most active instrument. Violations of the rights of indigenous peoples, such as the taking of land and resources without their consent, are often considered to be systemic racial discrimination. CERD directly obliges member-states to recognize and protect the rights of indigenous peoples to their lands and to ensure that they are not displaced without their free consent<sup>[4]</sup>.

The CERD Committee often and quickly responds to urgent conflicts, such as the extraction of minerals on indigenous lands, by issuing urgent requests to governments.

### 4. Convention on the Rights of the Child (CRC)

It guarantees the right of indigenous children to their culture, religion, and language<sup>[5]</sup>.

CRC provides the following:

- education should be in the child's native language and respect their culture;
- healthcare should be culturally appropriate;
- removal of a child from their family should take into account their cultural environment;
- pollution of the child's habitat violates their right to development<sup>[6]</sup>.

The Declaration on the Rights of Indigenous Peoples is a moral and political constitution, and these general treaties are a set of specific laws and working courts that protect and implement this constitution. All these conventions and treaties are the foundation for the legal victories of indigenous peoples around the world.

## THE POSITION AND EXPERIENCE OF DIFFERENT STATES

For years many countries have had many difficulties with indigenous peoples. All the states have different experiences because of different types of economics, politics, law-making processes. One of the key measures undertaken by the states was, among others, the implementation of the Declaration. By doing this, the states show respect to the indigenous people, support them and create the basis for their protection.

<sup>[4]</sup> Comment 23 of the CERD.

<sup>[5]</sup> Article 30 of the CRC.

<sup>[6]</sup> Commentary 11 (most important) of the CRC.

## Canada

In 2016, the country officially supported the UNDRIP. Adopted the C-15 Act (2021), which obliges the Canadian government to align federal legislation with the Declaration. In the past, the country had a system of boarding schools and reservations for the assimilation of children. After its destruction, the government issued an official apology.

Currently, there are ongoing conflicts over the construction of pipelines, such as Coastal GasLink on the Wetsuwet'en lands without a full-fledged FPIC.

The revolutionary judicial practice of recognising "Aboriginal title" has very much influenced the change in the country's jurisdiction. The Truth and Reconciliation Commission was established. The commission is investigating systematic human rights violations, establishing historical facts about injustices, listening to victims to document their experiences, and developing recommendations for reparations and reforms to achieve reconciliation in society. The main problem now is the simultaneous existence of Advanced legislation and ongoing resource conflicts on the ground.

## Australia

The country supported the UNDRIP in 2009. The position of the state was inconsistent, depending on the ruling party, as it is now. Speaking of the past, it is worth mentioning the "Stolen Generations" policy (these are Australian Indigenous children (Aborigines and Torres Strait Islanders) who were forcibly removed from their families in the 20th century as part of a government policy to assimilate them into white society). The consequences of that policy have included deep intergenerational trauma, loss of cultural identity and language, and ongoing social and economic challenges in Aboriginal and Torres Strait Islander communities decades later.

In the present, the failure of the "Voice" referendum (2023) to create an Aboriginal advisory body in the constitution is worth mentioning. This was a nationwide poll, which proposed amending the constitution to establish a permanent Indigenous advisory body (Aboriginal and Torres Strait Islander Voice) that could make recommendations to Parliament and the government on issues affecting their interests. However, the majority of voters voted against the proposal, and the change was not passed. Additionally, the gap in life expectancy and the high incarceration rate among Indigenous peoples should be addressed. The recognition of "native title" or indigenous ownership rights in the Mabo case in 1992 has led to the development of modern legislation. The historic decision of the High Court of Australia in the Eddie Mabo case in 1992 legally abolished the doctrine of "terra nullius" and for the first time recognized the existence of indigenous title to land under customary law, which led to the adoption of the Indigenous Title Act 1993. However, these rights are often limited and conflict with the interests of the mining industry.

## The USA

The United States of America supported the UNDRIP in 2010, but with reservations, as a document-aspiration, not creating international legal obligations.

The experience with indigenous peoples of the state is quite controversial.

The process of recognition of the internal self-government of the Indian tribes was difficult, due to the resistance of state authorities and the imperfections of the legal system, which had long ignored the rights of indigenous peoples, but it gave fruit in the form of a developed system of tribal courts and laws. Nevertheless, disputes over fishing and water use rights (case in Washington state) continue.

The country is experiencing an increase in self-awareness and the number of people identifying as indigenous. An example of growing self-awareness and population growth in the United States is the Cherokee tribe, where the number of people identifying as Cherokee has increased significantly over the decades, according to census data, due to a sense of cultural pride and identity.

## Bolivia

Bolivia was the first country to incorporate UNDRIP into its Constitution in 2009. The state has been declared the "Plurinational State". Bolivia had recognized the autonomy of indigenous peoples, their law status as indigenous peoples and had recognized the FPIC.

However, in reality, there are deep contradictions between environmental rights and resource economies, such as lithium and oil mining. These are conflicts when the government issues mining licenses on indigenous lands.

## Ecuador

The country's position on the Religious Rights of Nature and Indigenous Peoples is stated in Ecuador's Constitution. It has ratified ILO Convention No. 169.

The Confederation of Indigenous Nationalities of Ecuador is a strong political force capable of overthrowing governments. This is the main indigenous organization in Ecuador, which fights for their rights, lands, and culture through mass protests and political influence.

There are constant conflicts with oil and mining companies in the Amazon. For example, here is a well-known lawsuit against Chevron (the Chevron case against Ecuador is a long-standing international legal and arbitration conflict related to the extensive environmental damage in the Amazon. It involves two parallel processes: a legal claim by affected communities against the Chevron company and a counterclaim by the company against the Ecuadorian government).

### Russian Federation

Russia abstained from voting on the UNDRIP. The state did not ratify ILO Convention No. 169. The Russian Federation recognizes the UNDRIP as a "politically significant" document, but not as a source of law.

Talking about the experience of the state with indigenous peoples, the main focus of legislation is on "indigenous peoples of the North, Siberia, and the Far East", it is less than 50,000 people and Larger peoples (Yakuts, Tuvan, etc.). Penalties for damage to the environment are negligible compared to the companies' profits.

There is a special Federal Law "On guarantees of the rights of indigenous peoples of the Russian Federation", which specifies the state bodies' powers in the sphere of indigenous peoples' protection. It also provides some special rights for them (for instance, the right to to replace military service with alternative civilian service, or to preserve and develop their distinctive culture, or to protect their environment and land).

The said Federal Law also provides the process of registration of persons belonging to small peoples. This law gives the definition of the indigenous people in Russia. According to this law, the Russian Government adopted the Resolution of March 24, 2000 No. 255 "On the Unified List of Indigenous Minority Peoples of the Russian Federation". There is a list of peoples which are considered indigenous in the Russian Federation.

There are constant conflicts surrounding oil and gas projects, for example in Yamal, Sakhalin, Krasnoyarsk Krai, where companies obtain licenses while ignoring the protests of communities. For example, in 2005, indigenous peoples (the Nivkhs, Uylta, and Evenks) in Sakhalin blocked roads to stop the Sakhalin-1 (Exxon) and Sakhalin-2 (Shell) projects. They demanded an assessment of the cultural consequences and compensation for the destruction of deer pastures, rivers, and sea bays. The protests led to partial concessions (such as the cleaning of the sacred site), but their key demands were often ignored by the companies.

## POSSIBLE SOLUTIONS TO PROBLEMS

First, it is necessary to pay attention to the most common approaches. Their goal is to resolve conflicts without radically changing the law system.

### 1. Financial compensation and equity participation:

For example, companies and governments offer communities money, infrastructure such as schools and hospitals, and job quotas in exchange for access to resources. This is evident in oil and gas projects in Russia and Canada, where development funds are established for indigenous peoples.

### 2. Consultations instead of FPIC:

Formal hearings and consideration of opinions create the illusion of dialogue. Modern examples are the procedures in Russia under Law No. 104 of 06 July 2000 "On the General Principles of Organizations of Indigenous Peoples of the North, Siberia, and the Far East of the Russian Federation" (the role of the law is to formally guarantee the right of indigenous peoples to consultation and compensation in the industrial development of their lands), and some hearings in Latin America.

### 3. Development of ethnic tourism and crafts:

It is significant to support folklore ensembles and souvenir production. However, the main problem is folklore. It reduces a rich culture to entertainment for tourists, without giving real political power or control over resources. A good example that goes beyond the scope of folklore demonstrations for tourists is the Kindykan project in Yakutia. The project creates a modern cultural symbol (the image of the Kindykan girl) and produces fairy tales and animated films in Russian and Evenki, which helps to support the language environment.

Talking about serious changes in laws and public administration, it is important to pay attention to the next points:

#### 1. Legal recognition of rights to land and resources:

This option involves transferring ownership or granting perpetual use rights to communities, creating Traditional Use Areas with a real veto power over industrial activities. Examples include Australia and Canada. In New Zealand, the Waitangi Tribunal's decision led to the return of land.

#### 2. Political representation and autonomy:

The essence of political representation is to create quotas in parliament and provide for the creation of a separate representative body (the Sami parliaments in Scandinavia, the proposed Voice in Australia), and to grant territorial autonomy.

This is the path of real but difficult reforms. It is possible where there is a strong civil society, pressure from below, and the political will of the elites.

There is the most radical and so far rare approach. It suggests that the problem cannot be solved within the framework of the current model of the nation-state and extractive economy.

### 1. The transition from extractive to regenerative economy:

The value of land is determined not by the mineral reserves beneath it, but by its ability to support life, biodiversity, and culture. This makes indigenous peoples not an obstacle, but key experts and managers.

### 2. Plurinational State:

Rejection of the myth of a homogeneous nation. Recognition that the state consists of different peoples with equal rights to self-determination and co-governance. For example, Bolivia and Ecuador.

### 3. The climate agenda as an ally:

Indigenous peoples are the guardians of 80% of biodiversity. Their rights are directly linked to the goals of the Paris Agreement. Protecting their lands is the most effective and cost-efficient way to mitigate climate change.

#### The main obstacles at any level are:

- As long as the welfare of states depends on the sale of oil, gas, and ore, their interests will clash with the rights of the peoples in these lands.
- The fear that recognizing rights will weaken control over territory.
- Deep-rooted perceptions of the "backwardness" of traditional lifestyles.
- International law cannot force a sovereign state to comply with treaties.

## CONCLUSION

The report reveals a systemic divergence between the development of the normative framework and its practical implementation in the field of indigenous rights protection. The adoption of fundamental documents, primarily the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, demonstrates a significant international consensus. These frameworks formally recognize crucial principles, including the right to self-determination, the requirement of free, prior and informed consent (FPIC), and the protection of cultural heritage and territorial integrity.

However, an analysis of national practices in countries such as Canada, Australia, Bolivia and the Russian Federation shows that there is still a significant gap between these codified principles and their implementation. The UN Economic and Social Council should address these issues and find a diplomatic solution to this problem.

# MATERIALS FOR REVIEW

1. UN Charter (1945) - Chapter X (Articles 61-72) - ECOSOC Provisions  
URL: <https://www.un.org/en/about-us/un-charter/chapter-10>
2. ILO Convention No. 107 (1957) - Indigenous and Tribal Populations Convention  
URL: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C107](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107)
3. International Covenant on Civil and Political Rights (ICCPR, 1966)  
URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
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5. International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965)  
URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
6. General Comment No. 23 (1994) to ICCPR - Rights of Minorities (Article 27)  
URL: <https://www.refworld.org/legal/general/hrc/1994/en/45865>
7. Convention on the Rights of the Child (CRC, 1989)  
URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
8. ILO Convention No. 169 (1989) - Indigenous and Tribal Peoples Convention  
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URL: <https://www.ohchr.org/en/special-procedures/sr-indigenous-peoples/about-mandate>
11. ECOSOC Resolution 2000/22 (2000) - Establishment of UN Permanent Forum on Indigenous Issues  
URL: <https://undocs.org/E/RES/2000/22>

12. General Comment No. 11 (2009) to CRC - Indigenous Children and Their Rights  
URL: <https://www.refworld.org/legal/general/crc/2009/en/45694>
13. General Comment No. 21 (2009) to ICESCR - Right to Participate in Cultural Life  
URL: <https://www.refworld.org/legal/general/cescr/2009/en/41656>
14. UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007)  
URL: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
15. UN Permanent Forum on Indigenous Issues (UNPFII) - First Session (2002)  
URL: <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>
16. Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) - Established (2007)  
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17. World Conference on Indigenous Peoples (2014) - Outcome Document  
URL: <https://undocs.org/A/RES/69/2>
18. UN System-Wide Action Plan on Indigenous Peoples' Rights (2015)  
URL: <https://www.un.org/development/desa/indigenouspeoples/un-system-wide-action-plan-on-indigenous-peoples-rights.html>
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