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United Nations General Assembly Special Session on Indigenous Affairs  
  
Topic: Indigenous Peoples, Healthcare, Mental Health & Wellness

As globalization has been increasing around the world and affecting many countries with indigenous inhabitants, threats against indigenous communities have become a worldwide problematic. Indigenous people in Tunisia have been neglected throughout the centuries, and thus putting at risk their physical and mental health, and their overall wellness. Tunisia’s main indigenous group, the Amazigh or most commonly known as the Berbers, have been claiming their right to be recognized as a separate population from the Arabs. The government of Tunisia has not recognized the separation of the Amazigh from the rest of the population in any constitution, and therefore does not tend to their fundamental rights. Tunisia’s government generates discrimination against the indigenous population’s cultural and social rights, and by suppressing them, brings the people to undergo fear of stigma, rejection and repression.

The United Nations has a adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which states “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health”. The declaration omits however the link between health, collective rights (like land, natural resources), and the conservation of traditional knowledge. The protection of all these elements lead to more positive health impacts in the community. The UNDRIP does not take into consideration the government’s need to be in continuous interaction with indigenous communities to get their perspective on global health programs and policies, and to collect health data. There is also no consideration of the different definitions for “health” for various indigenous people, as it often incorporates mental, spiritual and emotional elements. Although there are several flaws, the UNDRIP, which Tunisia has voted in favor for, is a step towards indigenous rights globally. Furthermore, the African Charter on Human and People’s Rights forces Tunisia to recognize and adopt legislatives to give “the right to medical care and attention (Article 16(2)).” However, the government of Tunisia does not recognize the indigenous community within its country and does not recognize their health rights.

Since the government of Tunisia is part of the UN and part of the Organization of African Unity, its first step to take is to recognize the Amazigh as an indigenous community, separate from the Arabs. Tunisia should also collect comprehensive and precise data about the community’s health conditions to lessen the gap between other groups. The government will then use this data accordingly, and maintain health facilities for the community. Finally, Tunisia, like all other countries abiding to a new constitution, should allow all indigenous communities to receive health care, based on their own definition of health.

Topic: Indigenous Land Rights, Climate Change impacts and Environmental Protection of Resources

Indigenous people around the globe are estimated to occupy around 20% of the Earth’s territory, and with this occupation, numerous problems arise for these communities. Some of the many threats indigenous communities have to face are the growing loss of their land rights, the impacts of climate change, and the environmental protection of resources. Indigenous people value the importance of spiritual, cultural, social and economic relationship with their traditional lands. Although the government of Tunisia has not implemented any policies regarding indigenous land rights, climate change impacts or the environmental protection of resources, it has ratified and voted in favor for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP stipulates that “States shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources.”

By adopting the UNDRIP, the UN recognized the rights indigenous communities are entitled concerning their lands. The UNDRIP has provided new international guidelines, like the right to develop strategies for the development or use of indigenous people’s lands and resources. States will have to consult indigenous peoples about projects that affect them, but also “obtain their free and informed consent” before the projects’ approval, related to the exploitation or use of mineral, water or other natural resources. The UNDRIP also states that “respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.” Although the UNDRIP has clauses that encourages countering these indigenous related issues, it is not a legally binding instrument under international law. The government of Tunisia has not been obligated to follow the UNDRIP and has not implemented any policies to encourage land right and environmental protection of indigenous communities. Since Tunisia does not recognize its indigenous community, it does not take in consideration their land rights when making projects of natural resource exploitation.

Since the Amazigh community is being ignored in Tunisia, the first step towards indigenous rights protection is for the government of Tunisia to recognize it as a separate ethnic population. The next step would be to make the UNDRIP legally binding to every country so they would have to oblige to the resolution and face penalties if they do not abide. Furthermore, vital indigenous interests should be taken into considerations when formulating policies concerning natural resources exploitation, environmental protection, and land rights. Communication between the government and the indigenous community would be key to a more green and prosperous society.

Topic: Indigenous Peoples, Poverty, and Development

Aside from environmental and health related issues, indigenous communities are also faced with great levels of poverty and a societal development problematic, as they count for 15% of the world’s poor. With the increase in globalization, indigenous communities are even more subject to poverty as foreign direct investors come to exploit their lands. Since the Amazigh live in mountains and deserts, their land can be used for resource extensive industries. The government of Tunisia has not implemented any policies regarding the Amazigh community’s poverty rates and development. However, it has ratified and voted in favor for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Concerning poverty and development, it stipulates that indigenous people have control over customary land and resources for the cultural, economic, and physical health and well-being of indigenous people. This leads to greater economic prosperity and less discrimination for indigenous peoples.

The UN has adopted the UNDRIP to focus on problematic such as indigenous poverty and development, but has not made it legally binding under international law. Tunisia has ratified the UNDRIP although it does not recognize the Amazigh community as a separate ethnic population from the Arabs. Their land rights are also not respected and any foreign company has the right to exploit the land, with the approval of the government of Tunisia. The economic and cultural development of the community is at risk with the negligence of the government.

Since Tunisia has ratified the UNDRIP, it should take in considerations all the suggestions and actions possible to counter poverty in indigenous communities and promote development. It should start by creating programs to eradicate discrimination for job employment, income and health, and to promote the Amazigh culture and values. The community should also be involved in policy-making related to land and resource exploitation, putting their community in danger.

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