

Committee: Human Rights Council

Issue: Promotion and protection of the rights of indigenous peoples with respect to their cultural heritage

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INTRODUCTION

Our planet today faces one of the most crucial times in human history as a great number of conflicts is taking place all over the world. In an increasingly globalized world, preserving the cultural heritage of indigenous peoples stands as one of the most challenging problems. Indigenous groups around the world feel the impact of colonial colonization on their lands and face prejudice on account of their distinct traditions, histories, and ways of living. For a plethora of indigenous communities and their traditions, the 21st century has raised several problems.

Today, there are more than 370 million indigenous peoples in about 70 countries worldwide, according to the UN Permanent Forum on Indigenous Issues. Indigenous peoples are the holders of distinct languages, cultural structures, and values, and at the same time, they possess essential knowledge of natural resource management practices.¹

Despite the fact that indigenous peoples are just 5% of the world's population, they constitute about one-third of the world's "extremely poor"². Indigenous peoples face multiple obstacles and inequalities, from lack of work prospects and employment to unequal wages and most importantly physical harm. It has been argued that indigenous peoples are arguably one of the most marginalized and disadvantaged groups and therefore there is a need for increased protection and recognition of their rights and at the same time freedoms and privileges.

The general topic of this conference is "Conflict resolution in a Changing World", which is directly connected and related to the issue of the rights of indigenous peoples. Changing the world means improving the current situation we live in. Many people are wondering whether it is possible or not to change the world and the answer is yes.

Discrimination and violence based on gender, gender identity or nationality stand as a violation of human rights and they should not be tolerated any longer. Despite their

¹"United Nations Forum on Indigenous peoples." *Who Are Indigenous peoples?*, www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf. /> [Accessed 9 July 2020].

²Zoë Tryon. "Learn More about Indigenous peoples's Rights." *Indigenous peoples | Amnesty International*, www.amnesty.org/en/what-we-do/indigenous-peoples/. /> [Accessed 9 July 2020].

cultural differences, indigenous peoples share similar concerns often related to their security and their human rights. They fight for acceptance of their cultures, lifestyles and rights to traditional lands, territories and natural resources.

DEFINITION OF KEY TERMS

Human Rights

Human rights are the basic rights and freedoms that apply to every human being in the world, from birth to death. Wherever someone comes from, whatever he or she believes in, or however he or she chooses to live his or her life, they apply. They can never be taken away, but they can often be limited, for example, if a person violates the law, or in the interests of national safety.

Indigenous peoples

“Indigenous peoples are people defined in international or national legislation as having a set of specific rights based on their historical ties to a particular territory, and their cultural or historical distinctiveness from other populations that are often politically dominant.”³ For instance, some of the most notable examples are Pygmies in the Republic of Congo, and at the same time the Fula people in Mali. As stated earlier, indigenous peoples are people who have some special rights and have different traditions when compared to the rest of a country's population.

Culture

“The set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.”⁴

Cultural Heritage

Cultural heritage refers to the legacy we have received from the past, which we are witnessing in the present and will be passing on to future generations. Many areas on Earth have "exceptional intrinsic meaning" which is part of humanity's common history and is an important source of inspiration on a global level. Cultural heritage is not, however, limited to monuments and collections of items. This also includes words inherited from our ancestors which can be passed on to future generations. These include oral cultures, performing arts, social forms, ceremonies, festivals, customs, and practices. Given its fragility, inviolable cultural heritage or living heritage is an important factor in preserving cultural diversity.⁵

⁴ UNESCO Universal Declaration on Cultural Diversity." UNESCO.org. N.p., 02 Nov. 2001. Web /> [Accessed 10 July 2020].

⁵“What Is Cultural Heritage.” *Culture in Development*, www.cultureindevelopment.nl/Cultural_Heritage/What_is_Cultural_Heritage. /> [Accessed 9 July 2020].

Intangible Cultural Heritage

Despite being fragile, intangible cultural heritage is an important factor in maintaining cultural diversity in the era of globalization. Intangible cultural heritage includes oral traditions, performing arts, social activities, ceremonies, seasonal occasions, information and activities about nature and the universe or the knowledge and skills needed to create traditional crafts.⁶

Cultural Property

The 1954 Hague Convention defined the term “cultural property” and gave it a broad character, as can be seen below:

- 1) properties, either movable or immovable, of major significance with respect to the cultural identity of people, such as architectural monuments or emblematic art and historic monuments either secular or religious; spaces of archaeological interest; buildings with great historic or artistic importance; works of art; books and manuscripts, as well as scientific and/or important collections of archives and/or of reproductions of the above;
- 2) buildings which preserve and protect cultural properties such as museums, large libraries and archive collections and buildings which provide shelter to movable cultural properties in case of war or armed conflict;
- 3) monumental centers containing a large number of cultural properties.⁷

BACKGROUND INFORMATION

Indigenous peoples

As mentioned above, the number of indigenous peoples in the world exceeds our estimations. One of the main issues concerning indigenous peoples is the fundamental challenge for people to identify exactly who an indigenous person is. This problem has not yet been resolved since The United Nations Working Group on the Rights of Indigenous peoples decided to let populations become self-identified as indigenous peoples. The word

⁶ “What Is Intangible Cultural Heritage?” *United Nations Educational Scientific and Cultural Organization*. /> [Accessed 9 July 2020].

⁷ Mr Jan HLADÍK. “THE PENAL PROTECTION OF CULTURAL PROPERTY.” *Convention for the Protection of Cultural Property in the Event of Armed Conflict*. /> [Accessed 9 July 2020].

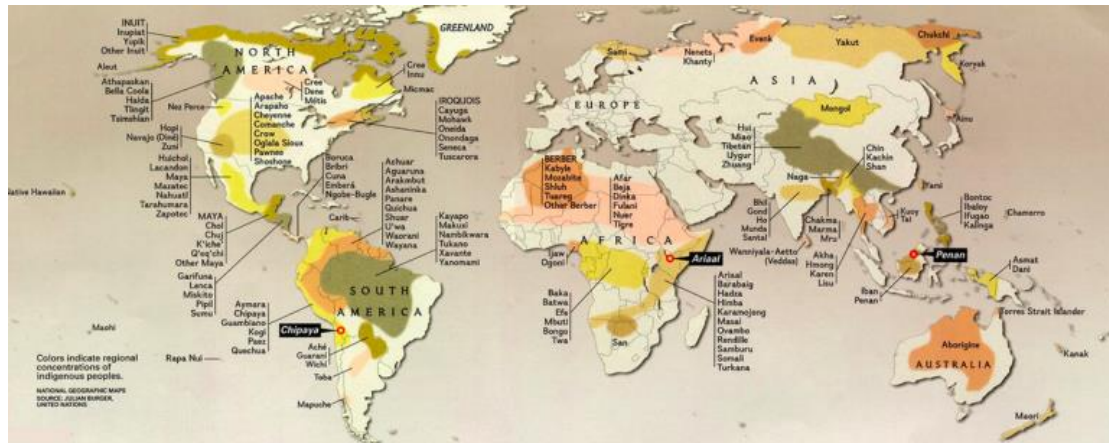
'indigenous peoples' applies, however, to culturally distinct communities affected by colonization⁸.

For a more complete understanding to be provided, some other characteristics that indigenous peoples might contain are the following ones:

- a) individuals who consider themselves subjectively indigenous and are recognized as such by their community.
- b) they are the descendants of the founding inhabitants of a territory that was conquered by conquest
- c) they contain all the features of a national minority. However, emphasis must be given on the fact that they share one common language, religion, culture and other characteristics which identify a relation to a given territory but subjugated by an ascendant society
- d) people who do not have centralized political bodies⁹

Indigenous peoples' rights have become a significant component in international law and politics over the past decades due to a movement propelled by indigenous peoples, civil society, international mechanisms, as well as national, regional, and foreign governments. According to international law, indigenous peoples' rights have evolved from current international law, including human rights treaties, to reflect the unique situations facing indigenous peoples as well as their goals, such as access to their lands, territories and resources, and self-determination.

Indigenous peoples live all around the world, from the Arctic to the Pacific, via Asia, Africa and the Americas. For a more complete understanding, some examples of indigenous peoples are the Aymaras in Bolivia, Assyrians of the Middle East, Kung San of the Kalahari Desert (Botswana, Angola, Namibia), American Indians of the U.S., First Nations and Métis of Canada and many more.



This map shows where most of the indigenous peoples live today

⁸Peoples, James, and Garrick Alan Bailey. *Humanity: an Introduction to Cultural Anthropology*. p. 399, Cengage Learning, 2017. /> [Accessed 9 July 2020].

⁹Goredelosrios.cl. 2015. [online] Available at: <<https://www.goredelosrios.cl/cultura2/wp-content/uploads/2015/12/A-Global-History-of-Indigenous-Peoples-Ken-Coates.pdf>> [Accessed 29 July 2020].

As seen, there are areas of the world with more indigenous peoples compared with others. There are also other parts which have been wiped out over the years by disease or by rigid laws and genocides¹⁰.

The reason behind the importance of indigenous peoples' rights is the fact that such populations are responsible for the preservation of languages that otherwise would have been lost.

Destruction of Cultural Heritage of Indigenous peoples

As has been mentioned, in the World Heritage Convention, there are no provisions on the rights of indigenous peoples. The issue of recognition and respect for the rights of indigenous peoples related to cultural heritage is implicit in the question of free access and the use of the sites and artifacts that make up their cultural landscape: holy places, sanctuaries and objects of worship, traditional roads, creativity-related structures and creative development or small industries¹¹.

Indigenous populations, together with their traditions, symbols, words, expertise, and skills, possess a wide variety of living heritage. Practising and communicating this heritage result in societies continuing to enjoy resilience, power, and health. The destruction of the cultural heritage of indigenous peoples is definitely not a new phenomenon. The Second World War was one of the times in recent history in which cultural heritage items, such as buildings, were lost. For example, in 2012 northern Mali was occupied by Tuareg and Islamic separatists. Fifteen mausoleums were destroyed in Timbuktu, including nine that are on the World Heritage list, according to UNESCO. Besides, about 4,200 manuscripts were destroyed, and another 300,000 were threatened by drug trafficking.

Violation of rights of Indigenous peoples

Indigenous peoples around the world are struggling every day to endure the harsh phenomena described above and at the same time to gain acceptance from other domestic groups. On top of that, because of their different habits and culture, they face discrimination every day. Combined with the effects of the various disputes they face, indigenous peoples all around the world, and especially in Africa, also face various other problems. Firstly, despite the daily discrimination that they have to cope with, they do not have access to justice and international political and non-political negotiations. Secondly, there are no legislations that have to do with indigenous peoples and their safety. Lastly, due to the great number of conflicts, there is the violation of human rights since they are victims of those

¹⁰ Aiatsis.gov.au. 1999. [online] Available at: <https://aiatsis.gov.au/sites/default/files/products/discussion_paper/tatzc-dp08-genocide-in-australia.pdf>. /> [Accessed 11 July 2020].

¹¹Kania, Marta. "Indigenous peoples' Rights and Cultural Heritage: Threats and Challenges for a New Model of Heritage Policy." *Latinoamérica. Revista De Estudios Latinoamericanos*, Centro De Investigaciones Sobre América Latina y El Caribe, UNAM, www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1665-85742019000100121&lng=en&nrm=iso&tlng=en. /> [Accessed 9 July 2020].

conflicts. More precisely, they are victims of abuse, abduction, relocation, execution and persecution or they are compelled to be part of a rebel group even though they do not want to be.

Differentiation between cultural heritage and natural heritage

The preservation of cultural heritage and diversity is of paramount importance in the globalized and modernized society we live in because it will play a crucial role in preserving diversity in today's emerging and growing globalizing world. A nation's cultural heritage and diversity are of very high value, not only because of their present or possible economic value but mainly because they evoke a certain number of feelings inside us; feelings make us feel like we belong to something, for example, a nation, a tradition or a set of morals.

As mentioned in an official paper submitted by the International Work Group for Indigenous Affairs (IWGIA) and Forest Peoples Programme, one of the major concerns is the differentiation between cultural heritage and natural heritage. This form of discrimination can cause trouble at World Heritage sites located on natives' lands and territories since one cannot separate their lives and spiritual beliefs from their lands along with their borders and natural resources. This is the reason why the natural and cultural ethics and values of indigenous groups are interconnected to a great extent with their holistic view of homeland. Consequently, it must be recognized that there is a regular exclusion of indigenous groups from decision-making because of this division.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Bolivia

In Bolivia, indigenous peoples make up 20 percent of the total population. Bolivia has made significant strides in recent years to promote indigenous rights. A modern "bright way" started in 2006 with the election of Evo Morales, the world's first indigenous president. In 2009, Bolivia became the first nation to incorporate the principles of the Declaration on the Rights of Indigenous People into its constitution. He has also proclaimed Bolivia a "plurinational state", simultaneously introducing a total of 35 official languages, granting equal status to all of them. In 1991, the Bolivian government signed the 1989 Convention on Indigenous and Tribal Peoples, a major, binding international treaty protecting the rights of the indigenous. The Government passed Law No. 3760 on 7 November 2007, which approved the UN Declaration on the Rights of Indigenous peoples.¹² Notwithstanding this, the UN held the first formal debate on indigenous problems in 1949, when Bolivia agreed to set up an Economic and Social Council sub-committee to conduct work on the conditions of indigenous peoples in the USA.

¹² Lonely Planet. "363120: Bolivia/Background/Other Features/Indigenous Culture." *Lonely Planet*, 9 Aug. 2019, www.lonelyplanet.com/bolivia/background/other-features/d1597ff5-baae-4a9b-8824-294c2942ff6b/a/nar/d1597ff5-baae-4a9b-8824-294c2942ff6b/363120. /> [Accessed 9 July 2020].

Brazil

According to the 2010 census conducted by the Brazilian Institute of Geography and Statistics, there are 896,917 indigenous people in Brazil, distributed among 305 ethnic groups¹³. In northwestern Brazil, there was a demonstration in a place where about 1,400 indigenous peoples live, and Almir Narayamoga Suruí said at the time, ‘ They are destroying our culture, our consciousness, and our economy by destroying our forests that we are protecting because they are our life and our knowledge’. The destruction is caused by loggers and "garimpeiros" or informal gold and diamond miners who have invaded Suruí since the beginning of 2016.



Brazil's indigenous peoples protest against land threats in 2017

Democratic Republic of Congo

The Democratic Republic of the Congo, also known as Congo-Kinshasa, DR Congo, DRC (the official acronym), or simply the Congo, is a country situated in Central Africa. The whole of Congo is sparsely populated, with more than half of its population living in the cities. Many indigenous people in Central Africa are called “Pygmies”. In the Republic of Congo, it was estimated to range between 250,000 and 600,000. In the past, the Congolese Pygmies were seriously threatened, and many of them died in genocide during the Civil War of the Congo in 2004. In addition, many of the Pygmies are still under pressure and most are slaves to other communities.¹⁴

Human Rights Council

The Office of the UN High Commissioner for Human Rights (OHCHR)’s main responsibility in the UN is the promotion and protection of human rights. During the year, the Human Rights Council addresses concerns related to indigenous communities as part of

¹³ “Indigenous World 2020: Brazil.” *IWGIA*, www.iwgia.org/en/brazil.html. /> [Accessed 11 July 2020].

¹⁴ Ally MacLeod. “THE TRIBE, THE RAINFOREST AND ME 15 Months Living Deep within the Congo.” *Secret Compass - Achieve the Extraordinary*, secretcompass.com/living-with-pygmyies-in-the-congo/. /> [Accessed 10 July 2020].

its wider human rights agenda and scope in general. Other indigenous peoples's organizations and stakeholders or members can comment on the various items of the Council's agenda, including its collaborative discussion with the Special Rapporteur and the Expert Mechanism. The Office is actively contributing to the Inter-agency Support Group on Aboriginal Issues, especially to the roll-out of the Guidelines on Indigenous peoples in the United Nations Development Committee. It conducts training for UN Country Teams and OHCHR field presences on Indigenous issues.

United Nations Working Group on Indigenous Populations

The UN Working Group on Indigenous Communities is a charter-based UN body that works for the defence of the rights of indigenous peoples and shares their demands and concerns with the UN. The key goal is to promote international state-to-state debates and the protection of indigenous peoples's fundamental freedoms.

United Nations Permanent Forum on Indigenous Issues

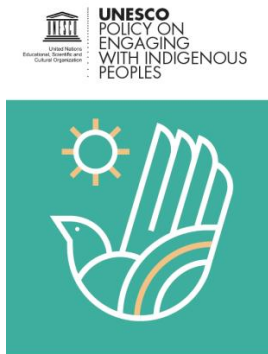


**United Nations Permanent Forum
on Indigenous Issues**

It was formed on 28 July 2000 and is a consultative body to the Economic and Social Council. It is the main coordinating body of the United Nations for matters concerning the rights of indigenous peoples in the world. Based on its mandate, the forum provides funds and agencies and, at the same time, it raises awareness and it promotes coordination of activities relating to indigenous issues within the UN system; as well as seeing to the preparation and dissemination of indigenous problems¹⁵.

¹⁵ ilo.org. 2019. *ILO At The Eighteenth Session Of The United Nations Permanent Forum On Indigenous Issues*. [online] Available at: <https://www.ilo.org/global/topics/indigenous-tribal/news/WCMS_674594/lang--en/index.htm> [Accessed 29 July 2020].

United Nations Educational, Scientific and Cultural Organization (UNESCO)



The United Nations Educational, Scientific and Cultural Organization was established in 1946 and is the main UN organization that deals with various problems such as the issue of cultural heritage around the world. UNESCO deals with the needs of indigenous peoples amongst its priority areas for response¹⁶. At the same time, it is worth mentioning that its policies and strategies have significant impacts on indigenous peoples’s lives. Despite that, through the 2030 Agenda commitment to “Leave no one behind”, indigenous peoples’s rights and freedoms are ensured.

TIMELINE OF EVENTS

Date	Description of Event
1949	The UN holds the first discussion on indigenous issues when Bolivia agreed to set up an Economic and Social Council (ECOSOC) sub-commission to conduct work on the circumstances of indigenous peoples in American Populations.
1972	The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities conducts a study based on the issue of discrimination against indigenous populations, known as “the Martínez-Cobo study” ¹⁷ .
1978	The World Conference on Combating Racism and Discrimination recognises the rights of the indigenous peoples.
1982	The United Nations Working Group on Indigenous Populations (WGIP) is created with the aim of setting guidelines against the continued exploitation of indigenous peoples.

¹⁶ “Indigenous peoples.” *UNESCO*, 8 Jan. 2020, en.unesco.org/indigenous-peoples. /> [Accessed 9 July 2020].

¹⁷ “Martínez Cobo StudyUnited Nations For Indigenous peoples For Indigenous peoples.” *United Nations*, United Nations, 8 Sept. 2014, www.un.org/development/desa/indigenouspeoples/publications/2014/09/martinez-cobo-study./> [Accessed 10 July 2020].

1989	The ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries is adopted
1993	First debate on the United Nations Permanent Forum on Indigenous Issues (UNPFII)
23 December 1994	With resolution 49/214, the United Nations General Assembly decides that the International Day of the World's Indigenous peoples shall be held on 9 August every year
28 July 2000	The Forum is established by resolution 2000/22, and it mainly deals with human rights, social development issues, culture and health of indigenous peoples.
2001	The Commission on Human Rights appoints the Special Rapporteur on the Rights of Indigenous peoples
29 June 2006	The United Nations Human Rights Council adopts the Declaration on the Rights of Indigenous peoples
Thursday, 13 September 2007	As a result of decades of debates and negotiations, UN General Assembly adopts the United Nations Declaration on the Rights of Indigenous peoples ¹⁸ .
5 July 2019	During this event, emphasis is given to the importance of preservation of Indigenous Languages which is important for the preservation of world heritage, too.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Resolution 27/13

In September 2015, the Human Rights Council recommended that the Expert Mechanism undertake a report to be submitted to the Council at its 30th session on the Promotion and Preservation of the Rights of Indigenous Peoples with respect to their cultural heritage, including through their involvement in political and public life.

Relevant link: <https://www.right-docs.org/doc/a-hrc-res-27-13/>

Article 8(j) of the Convention on Biological Diversity

Calls for all nations to “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities” and to promote the dissemination of those ideas.

Relevant link: <https://www.cbd.int/traditional/>

¹⁸ “United Nations Declaration on the Rights of Indigenous peoples For Indigenous peoples.” *United Nations*, United Nations, www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html/ [Accessed 9 July 2020].

HRC Resolution 9/7

Human Rights Council adopted Resolution 9/7 in order to protect the indigenous peoples's human rights and fundamental freedoms.

Relevant link: **could not find I need help**

Article 25 of UNDRIP

This article notes that indigenous peoples "have the right to preserve and improve their distinctive cultural relationship with their lands, territories, waters and coastal seas and other resources historically owned or otherwise occupied and used."¹⁹

Relevant link: <https://rights.culturalsurvival.org/undrip-article-25-traditional-lands>

Convention Concerning Indigenous and Tribal Peoples in Independent Countries (No. 169)

This Convention grants indigenous peoples the right to both own the land they inhabit and use it at the same time. The Convention's fundamental principles include: protection of indigenous peoples, non-discrimination and acknowledgment of special initiatives to be taken to safeguard indigenous culture, participatory status of indigenous peoples and nation states and the 'right to set development goals.'²⁰

Relevant link:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_IL O_CODE:C169

World Indigenous peoples Meeting

In 2014 the United Nations hosted the World Conference of Indigenous peoples. The Conference offered an opportunity to share perspectives and best practices on the implementation of indigenous peoples' rights, including the priorities of the UN Declaration

¹⁹ Danielle. "UNDRIP Article 25: Traditional Lands." *Indigenous Rights Radio*, 23 Mar. 2017, rights.culturalsurvival.org/undrip-article-25-traditional-lands. /> [Accessed 9 July 2020].

²⁰ "Ratifications of C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)." *Ratifications of ILO Conventions: Ratifications by Convention*, www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A11300%3A0%3A%3ANO%3A%3AP11300_INSTRUMENT_ID%3A312314. /> [Accessed 9 July 2020].

on Aboriginal Peoples ' Rights. It also called on the UN to ensure that indigenous peoples have opportunities to participate in discussions.

International Labor Organization's (ILO) Convention

This convention deals with Indigenous and Tribal Peoples in Independent Countries (No. 169) and distinguishes as follows between tribal and indigenous peoples, also stressing the importance of self-identification.

Relevant link:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

POSSIBLE SOLUTIONS

Having analyzed the topic in depth, it is now the delegate's responsibility to find solutions to bring to an end this long-term severe matter. Despite UNDRIP (Declaration on the Rights of Indigenous peoples) and numerous other attempts by several organizations, indigenous peoples continue to experience human rights violations and problems. As long as there is a willingness, there is a great number of solutions that can officially end this issue. As previously mentioned, there have been many people in conjunction with a plethora of organizations and governments that have tried to combat this problem for many years now. Several steps can be taken, primarily by the United Nations, to ensure that the unjust treatment of the indigenous peoples comes to an end.

Political participation

The majority of indigenous peoples are not allowed to follow their own customs or codes of conduct within their valued State. The international community must allow political representation of these indigenous groups, while at the same time respecting the sovereignty of a country.

Establishment of a definition of indigenous peoples

Indigenous peoples do not have a formal distinct definition and thus many problems might arise concerning their distinction. There are many characteristics that characterize indigenous peoples. Such characteristics include a distinct language, culture and belief, and pre-colonial historical continuity.

Aid of governments and organizations

As far as the international community is concerned, any concerned government and organization can help in the combat for the rights of indigenous peoples. Countries and Non-Governmental Organizations should also take steps to ensure that decisions made are followed. This can happen by regular controls by every government in public and private companies.

Indigenous peoples should have the right to be included in discussions of land use

The identity and, at the same time, the livelihood of indigenous peoples arises from their land. Indigenous peoples need to be consulted by legal principles about their rights concerning the use of their land. At the same time, they should be included in discussions about their development processes.²¹

Raising awareness

Raising awareness about the impacts of this phenomenon and, at the same time, educating people stand as two of the most common ways of combatting every issue. Social networking programmes or adequate education to educate people about the special cultures of the indigenous community may be introduced. By increasing awareness, through means not limited to social media but expanded on peaceful protests, money-raising events and the creation of seminars will educate more people and thus the chances of diminishment will be increased.

Revising the law

Additionally, a total international legislative reformation and revision must happen with possible cooperation of local administrations and the UN in which each member State shall impose penalties on those who infringe the rights of indigenous peoples.

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²¹ Ifad.org. n.d. [online] Available at: <https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba> [Accessed 29 July 2020].

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