

Forum:	Social, Humanitarian & Cultural Committee
Issue:	Ensuring the rights of Indigenous People in the Asia-Pacific region
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Position:	Co-Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Korinna Fragkia and it will be an honor for me to serve as a Deputy Chair of the Social, Humanitarian & Cultural Committee in this year's PS-MUN Conference. Irrespective of the fact that I have already partaken in five MUN sessions, of which two were held in Platon School, this one will be a unique experience for me, since it will be my first time chairing.

Being a Student Officer will give me the opportunity to help every single one of you before and during the Conference. Ensuring that the lobbying process and debate will be carried out successfully and fruitfully, maximizing the quality of them and providing my assistance whenever is needed will be some of my responsibilities.

As an expert Chair on the rights of Indigenous people in the Asia and Pacific region I will be providing you with a part of the appropriate material that you will need to form a competitive resolution and therefore ensure your maximum participation during the Conference. I hope that you will find this study guide helpful during your preparation. However, it indeed is a fact that the specific issue is a complex one. For this reason, I strongly urge you not to limit yourselves by only reading the study guide but instead carry out your own research, keeping in mind your country's policy.

It will genuinely be a pleasure for me to help you with any hurdles, should you encounter some during your preparation. Please, do not hesitate to share with me any of your questions regarding the topic and I will of course be more than happy to answer them via email [korifrangias@yahoo.com].

I look forward to meeting you all at the conference,

Best regards,

Korinna Fragkia

INTRODUCING TOPIC

Being often referred to as Tribal Peoples, First Peoples or Native Peoples, indigenous populations tend to call themselves by many different names and as there are a lot of similarities between tribes, there is also a spate of characteristics that differentiate them from one another. Therefore, it is vital before approaching or analyzing the topic to state what is really meant by 'Indigenous People'. According to the UN Forum of Indigenous Issues:

“Considering the diversity of indigenous peoples, an official definition of “indigenous” has not been adopted by any UN-system body. Instead the system has developed a modern understanding of this term based on the following characteristics:

- Self- identification as indigenous peoples at the individual level and accepted by the community as their member.*
- Historical continuity with pre-colonial and/or pre-settler societies*
- Strong link to territories and surrounding natural resources*
- Distinct social, economic or political systems*
- Distinct language, culture and beliefs*
- Form non-dominant groups of society*
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.”*

The Indigenous Peoples in Asia-Pacific:

Indigenous peoples are the descendants of those who inhabited a territory long before the colonization and formation of the current State. Currently, the number of Indigenous people is approximately 370.000.000, making up 5000 tribes in more than 90 states. Yet, 70 percent of them, live in Asia, contributing in it being one of the most culturally diverse continents in the world.

Because of their traditions, Indigenous people maintain a certain social, cultural, financial and political status, which is specific and apparent from the dominant societies that they have formed. Indigenous peoples are, also, widely known for their unique culture. They could be characterized as the



holders of distinguishing languages and invaluable knowledge systems, practices and institutions, which do not share a lot of similarities with those of a mainstream society. It is apparent that Indigenous populations retain a special relation with their natural environment and the traditional lands that they use. Their traditional land is of fundamental importance not only for their physical but also for their survival as

culturally active communities. They retain their own beliefs of development, which are guided by their cultural and traditional values and needs.

Politically, Indigenous peoples are as accepted and active as other neglected parts of society. More often than not, they lack of political representation, participation, access to social services and are financially marginalized, having as a result their facing severe discrimination and their drowning into poverty. In addition, most of the tribes, regardless of their differences, share common issues concerning the violation of their fundamental rights. In contrast to other ethnic minorities Indigenous people have already stressed their need for their collective rights to be recognized. The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) recognizes these collective rights through the adoption of the UN General Assembly of the UNDRIP in 2007. However, until today Indigenous People strive for the protection of their rights, as usually their voice is not heard or ultimately ignored.

The problem of violations of Indigenous Peoples' human rights:

Although, Indigenous Peoples face serious and innumerable difficulties, which are emerging from violations of their human rights, one of the most significant one is the unstoppable displacements from their ancestral territories and the general disruption of their land's use and ownership. Indigenous peoples often inhabit geographical areas, which are high not only in minerals but also natural resources. Therefore, they face constant threats of territorial intrusions, plundering of their lands' resources or even murder. Despite the fact that such populations have legal rights to their lands and their resources, in some cases, they become subject of exploitation often resulting in 'land grabs', which of course take place without the peoples' own consent. In Asia-Pacific, land alienation, mining projects and hydro-electric dams, uprooting indigenous peoples and destroying their natural environments, as well as severe deforestation, caused by local governments and international corporations, are common phenomena. It is worth considering that more than half of the population of Indigenous people currently reside in cities. During the last 30 years Indigenous people have migrated from their traditional homelands towards urban areas, some looking for educational or employment opportunities, whereas others trying to get away from human rights abuses.



Globally, indigenous people face consistent discrimination and marginalization. In comparison to other parts of our society, Indigenous people are very likely to get low-income jobs and have lower quality education. Generally, they suffer from poverty, landlessness, malnutrition and internal displacement.

At the same time, indigenous communities in Asia and the Pacific encounter obstacles in their being provided with the appropriate public health services, sexual, reproductive and child health care as well as family planning. As a result, the percentages of maternal and child mortality are rapidly being elevated, while life expectancies are dropping, as people among indigenous communities die prematurely. Especially indigenous women are the ones being hit the hardest. Cases of rape, sexual enslavement and murder of indigenous women are regularly being reported. Yet the needed attention has not been paid and only a few of these incidents have actually been investigated. Because of their culture, class and gender, Indigenous girls are very likely to die in child-delivery or discrimination acts by the government officials. Specifically, in the South-East Asia region, it is a fact that the majority of women as well as girls, trafficked across borders, come from Indigenous populations.

KEY TERMS

UNDRIP:

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument. It was adopted during the year 2007 by the UN aiming at establishing and preserving the rights of that are essential for the “survival, dignity and well-being of the indigenous peoples of the world.” This Declaration safeguards collective human rights as well as individual rights of Indigenous people. The UNDRIP is the result of approximately 25 years of deliberation between U.N. member States and Indigenous communities and was adopted by 144 countries, with 11 abstentions and 4 countries voting against it, these being Canada, the USA, New Zealand and Australia. However, since 2009 the two last mentioned countries have changed policies, supporting the Declaration.

More specifically, the UNDRIP contains 46 Articles, the most important of which are:

Article 1:

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 3-4:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5:

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to

participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 7:

Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8:

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture [...]

Article 10:

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent [...] with the option of return.

SELF-DETERMINATION:

According to the Cornell University Law School, “Self-determination denotes the legal right of people to decide their own destiny in the international order. Self-determination is a core principle of international law, arising from customary international law, but also recognized as a general principle of law, and enshrined in a number of international treaties.”

There are two types of self determination, internal and external. “Internal self-determination may refer to various political and social rights. [...] External self-determination refers to full legal independence/secession for the given 'people' from the larger politico-legal state.”

COLONIZATION:

According to the Oxford Dictionaries colonization is “the action or process of settling among and establishing control over the indigenous people of an area”

LAND-GRABBING:

According to the Global Agriculture Organization Land Grabbing “refers to large-scale land acquisitions mainly by private investors but also by public investors and agribusiness that buy farmland or lease it on a long-term basis to produce agricultural commodities. These international investors, as well as the public, semi-public or private sellers, often operate in legal grey areas and in a no man’s land between traditional land rights and modern forms of property. In many cases of land grabbing, one could speak of a land reform from above, or of the establishment of new colonial relationships imposed by the private sector.”

THE RIGHT TO DEVELOPMENT:

According to the UNCHR (United Nations High Commissioner for Refugees) the right to development “called for every member of society to be empowered to participate

fully and freely in vital decisions. It demanded equal opportunities, and the equitable distribution of economic resources - including for people traditionally marginalized, disempowered and excluded from development, such as women, minorities, indigenous peoples, migrants, older persons, persons with disabilities and the poor [...]. The goal of development is to improve the well-being of every member of society [...]. True development roots out and corrects the causes of poverty – the multiple human rights violations which have deprived people of power, control over resources, and a voice in their government, economy and society, and denied equal participation in global governance. True development generates greater social justice, not deeper exploitation; and it reduces the towering inequalities which confiscate the fundamental rights of those who are marginalized and poor.”

IWGIA:

According to the IWGIA (International Work Group for Indigenous Affairs), “IWGIA is an international human rights organization staffed by specialists and advisers on indigenous affairs. IWGIA supports indigenous peoples' struggle for human rights, self-determination, right to territory, control of land and resources, cultural integrity, and the right to development.”

HISTORICAL INFORMATION

Here you can find some agreements, conventions, treaties and protocols that were crucial for the establishment of Indigenous Peoples' human rights, with chronological order, until today.

International Labour Organization Convention 107 (1957)

Adoption: 26 June 1957

Entry into force: 2 June 1959

Further information:

The specific Convention is an international instrument, the adoption of which was aiming at the protection of Indigenous Peoples from acts of discrimination and oppression, which were very common at the time. It is without a doubt of great importance as it paved the way for the UNDRIP. Also, it was drafted, by the end of the WWII, when there was a massive concern about the establishment of the fundamental human rights and since then it was amended by a the I.L.O. Convention 169, for several reasons. Despite the fact, that the I.L.O. Convention 107 was a crucial document and the first one to establish some of the basic human rights of Indigenous populations, it's main goal was the integration of Indigenous People into mainstream societies and at the same time it addressed them as “at a less advanced stage” implying that they were classified as something inferior than Europeans. While stating that “the process of losing their tribal characteristics” is definite and sure, this instrument acknowledged the right to citizenship and vote and suggested a training program to help Indigenous communities partake in the economy. Last but not least,

according to Article 12.1 Indigenous populations “shall not be removed without their free consent from their habitual territories”.

Read the full I.L.O. Convention 107 here:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107

International Labour Organization Convention 169 (1989)

Adoption: 26 June 1989

Entry into force: 5 September 1991

Further Information:

The Convention 169 is the result of the revision of the Convention 107, which was renamed as Indigenous and Tribal Peoples Convention, 1989. It recognizes Indigenous peoples’ right to self-determination, the right “to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live”, the right to participate in decision-making on issues that may affect them by any means, the right to fair employment, health services, education and many others. Also, it is important to notice that it was ratified only by 21 States, fewer than the ones, which recognized Convention 107.

Read ILO Convention 169 here: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)

Adoption: 18 December 1992

Further information:

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is written for all minorities, many of which are Indigenous Peoples and for individual rights only. The specific document recognizes both states’ obligations towards Indigenous societies as well as their rights. Some of the key elements of this instrument are the cultural identity and the free expression of it by minorities, participation in political matters and education.

Read the Declaration here:

<http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

Convention on Biological Diversity (1992)

According to the Convention all signatories should “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;”

Read the Convention here: <https://www.cbd.int/doc/legal/cbd-en.pdf>

OSCE High Commissioner on National Minorities (1992)

The Office of the OSCE High Commissioner on National Minorities was created in 1992 in order to seek solutions to ethnic tensions that might jeopardize peace between member States. Although it doesn't have any Indigenous Populations mandate Indigenous Peoples are considered a national minority.

Vienna Declaration and Programme of Action (1993)

It was the closing declaration of the 1993 World Conference on Human Rights held in Austria and “recognizes the inherent dignity and the unique contribution of indigenous people [sic] to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being.”

The Philippines' Indigenous Peoples Rights Act (1997)

This document, being written in 1997 was one of the first regulations in Asia at least that recognizes indigenous peoples' rights not only to their traditional territories, but also to cultural integrity, self-governance and self-determination.

Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Members States (1998)

This resolution provides the main European Union guidelines for support of Indigenous Peoples. It calls for the integration of Indigenous Peoples' interests in all levels of development and the full and free participation of Indigenous Peoples in the development process. The resolution states: “Indigenous cultures constitute a heritage of diverse knowledge and ideas, which is a potential resource for the entire planet.”

Durban Declaration and Program of Action (2001)

The Durban Declaration and Program of Action was written specifically for Indigenous People and it is the first United Nations Declaration that uses the term “Indigenous Peoples” than “Indigenous People”, which shows the recognition of the collective character of their rights.

COUNTRIES INVOLVED IN THE ISSUE

The Asia-Pacific region differs in size, according to the context. However, it most nearly includes territories of Southeast Asia and Oceania. Here are some of the countries that play a major role in the issue.

NEPAL

In Nepal there is the Poverty Alleviation Fund (PAF), an instrument, which strikes to improve the living conditions of the country's rural poor and most importantly of traditionally excluded groups, like Indigenous communities. According to a 2014 assessment the poverty head count rate of Indigenous People in Nepal, whose percentage is 30 out of the country's population, was eliminated to 18.5% because of the specific program. Irrespective of the fact that Indigenous people make up a serious proportion of Nepal's, population, they have been severely discriminated and marginalized linguistically, culturally, politically and economically. Still, some indigenous tribes have not been recognized through the National Foundation for Development of Indigenous Nationalities (NFDIN). Nonetheless, the Interim Constitution of Nepal, which was signed in 2007 encourages cultural diversity and promotes the rights of Indigenous nationalities. Nepal is, also, one of the countries that have ratified ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The new Constitution of Nepal, signed in 2015 was renounced by Indigenous populations as it goes against identity-based federalism and at the same time doesn't recognize their rights.



VIETNAM

In Vietnam action in favor of Indigenous peoples takes the Northern Mountains Poverty Reduction Project (NMPPR) and Central Highlands Poverty Reduction Project, which deal with providing services and improving livelihoods of ethnic minorities, who live in poverty conditions. NMPPR helped ethnic minorities access markets and public services, by renewing some of Vietnam's roads. Indigenous People in Vietnam make up approximately 14% of the population. In Vietnam all Indigenous people are recognized as Vietnam citizens, who have equal rights to the rest of the population and even though Vietnam still hasn't ratified ILO Convention 169, it has voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

INDIA

India's Indigenous people, making up 8.2% of the population, are mainly supported by the Tamil Nadu Empowerment and Poverty Reduction Project, which provides specific training programs, local institutions and finances investments. Not all Indigenous peoples are officially recognized and throughout India's history, there have been a series of movements aiming at establishing their rights. Some constitutional provisions have indeed recognized some of them, yet these laws and especially their implementation is not satisfactory in contrast to the standards worldwide. Also, India has voted in favor of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

INDONESIA

In Indonesia, according to the national organization responsible for Indigenous populations Aliansi Masyarakat Adat Nusantara (AMAN) their number varies between 50 and 70 million. The Indonesian Constitution recognizes the fundamental rights of Indigenous Peoples and in 2013 it also recognized their right to ownership of their traditional land. Indonesia has signed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the government argues that the laws specified for indigenous peoples are not applicable on a national level since nearly all of the Indonesian population is Indigenous and thus authorized equal rights. Therefore, the government has denied several requests for coverage of needs from Indigenous groups.

MALAYSIA

The percentage of indigenous peoples in Malaysia is estimated to be around 14% of the total population and still some of them are not recognized as Indigenous Groups. In Malaysia the laws introduced by the colonization of the British established rights on Indigenous Peoples' land and other rights, though the implementation of which is non-existent. The government has been ignoring them, which has led to extractions and plantations of private companies on Indigenous territories. Malaysia was a signatory of the UNDRIP but has not ratified ILO Convention 169.

CHINA

China is one of the countries that, officially at least, recognize all Indigenous People, which make up approximately 9% of the total population, as equal before the law. However, some ethnic minority groups, which have their rights protected by the Constitution, are not recognized. The government does not accept the

term ‘Indigenous Peoples’ and neither ethnic minorities, which do not really participate in meetings concerning them. China has voted in favor of the UN Declaration on the Rights of Indigenous People (UNDRIP) but it has also stated that there aren’t any Indigenous People in China, which implies that the UNDRIP does not apply there.

TIMELINE OF EVENTS

Date	Incident
1957	International Labour Organization Convention 107
1989	International Labour Organization Convention 169
1992	Convention on Biological Diversity
1992	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
1992	OSCE High Commissioner on National Minorities
1993	Vienna Declaration and Programme of Action
1997	The Philippines’ Indigenous Peoples Rights Act
1998	Council Resolution on Indigenous Peoples within the Framework of the Development Cooperation of the Community and Members States
2001	Durban Declaration and Programme of Action
2007	United Nations Declaration on the Rights of Indigenous Peoples

POSSIBLE SOLUTIONS

There is a spate of possible solutions that you could consider before writing your resolution, since there are a lot of things to improve at a regional, national and international level in order to ensure the official implementation of laws recognizing the rights of Indigenous Peoples. Make sure your country's policy complies with the solutions you propose in your resolution.

To begin with, it is crucial for all Nations to understand the importance of collaboration as Indigenous People are found in all countries worldwide. International cooperation will most definitely bring together global knowledge, techniques, ideas or innovations which will be then customized for solutions on a local scale. This is one of the best ways, to help eradicate poverty in the most excluded Indigenous areas.

In addition, education is more than essential in order to maintain the unique cultural identities of Indigenous populations, which contribute to ethnic diversity, as well as to develop their full potential. Although, according to the UN Declaration the right of Indigenous peoples to education has already been established there are barriers to the practical implementation of it, like linguistic ones, marginalization acts, racism (which is often obvious even in books) and it not being among the priorities of Indigenous People.

Governments should not only offer Indigenous People more opportunities in terms of political participation, but they should also analyze data on Indigenous groups and form their national policies accordingly. Furthermore, it would only be beneficial if Nations, who have not done so, ratify and implement the ILO Convention 169 on Indigenous and Tribal Peoples.

As a concluding sentence, it is very important to see Indigenous People as human beings. Delegates, keep in mind that equality can only bring peacefulness and finally justice.

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MULTIMEDIA RESOURCES

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- <https://www.youtube.com/watch?v=1LHf1cAUEs8>
- https://www.youtube.com/watch?v=r_dirQIGBLQ