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| Forum: | Social Humanitarian & Cultural Committee (GA3) |
| Issue: | Addressing the issue of cultural relativism and its effects on indigenous people |
| Student Officer: | Zacharenia Kourkounaki |
| Position: | Co-chair |

PERSONAL INTRODUCTION

Dear Delegates,

My name is Zacharenia Kourkounaki, and I would like to welcome you all to this year's PSMUN session of the GA3 committee. I am 17 years old, and I am currently attending Champion School.

MUN has been without a doubt one of the most edifying experiences I have ever had. I have realized that MUN is not just a simple, educational experience but it's an opportunity to approach the concept of the modern world from different perspectives and get involved in global issues.

With that being said, I am looking forward to meeting you all and I hope that with our cooperation we will make this conference an unforgettable and pleasant experience for everyone!

Apart from this study guide, I would urge you all to conduct your own research in order to familiarise yourself with the topic as much as possible. Should you need any guidance on this topic, do not hesitate to contact me on my email: zkourkounaki@champion.edu.gr

Sincerely yours,

Zacharenia Kourkounaki

TOPIC INTRODUCTION

Culture is our identity. It encompasses our values, beliefs, traditions, history and music. It is the core reason for our differences as humans. It brings people together but also dissociates them. The science of anthropology was created to study the differences between cultures and individuals, by introducing principles and theories, such as relativism. It has allowed us to obtain a deeper understanding of our past, our present and our future, in the face of current world crisis like the covid-19 pandemic.

Currently, intercommunication between cultures and the constant exchange of ideas have become vital for the survival of most civilisations. It has granted us new knowledge and has effectively allowed us to collectively progress as a society. However, some civilisations have decided to continue following and disseminate the traditions of their descendants.

Over the years, indigenous people have been strongly characterised by their liberal notions, distinct culture, and their lengthy history. With a global number of 370 million indigenous individuals, they are a population that has retained the cultural heritage of their progenic grounds. Their ceaseless persistence on descendant traditions and values has instinctively separated them from the Western world, leading to discrimination on many fronts not excluding society and the economy itself.

This study guide will provide you with information on how we can adopt the theories of anthropology in our cultural perception, to close the gaps between indigenous populations, that dichotomise us and refrain us from progressing as individuals. By eliminating preconceptions and being open to collaboration and peaceful co-existence between all communities, we can all work towards achieving international solidarity.

DEFINITION OF KEY TERMS

Anthropology

Anthropology is the study of human existence in the context of culture and behaviour and how that evolves over time.

Indigenous

The term indigenous generally refers to people who originally lived in a place.¹ This term may be used in a broader sense to describe someone that it simply not foreign to a land. Otherwise, it could be used to describe tribal people that have retained the culture and traditions of their descendants. These people usually have a culture that's very distinct from normal Western cultures.

¹ "Indigenous." *Cambridge Dictionary*,
<https://dictionary.cambridge.org/dictionary/english/indigenous>.

Relativism

Relativism is based on the idea that there is no objective absolute truth. Truth is malleable and can be changed through different perspectives.²

Natural law

Natural law is the theory that the system of rights, to which all humans abide to, is derived from nature, not from society norms.³

Positivism

Positivism is a theory that accepts knowledge that can be proved by logic or seen. It usually requires the use of statistics, mathematical thinking, and other scientific methods.

Rationalism

Rationalism is methodological theory, referring to how decisions may be taken purely out of reasoning. When we appeal to reason as a pure source of knowledge we think rationally.

Nationalism

Nationalism is used to describe “ a feeling that people have of being loyal to and proud of their country often with the belief that it is better and more important than other countries”.⁴ It is historically often accompanied by extremist ideologies. An example of extreme nationalism is white extremist, which is the belief that the white race is superior, and above all other races.

Conspiracy theory

Conspiracy theory is the belief that a secret, but powerful organization is responsible for an event.⁵ Conspiracy theories spread fear amongst populations, and they can act as the core basis for prejudice and discriminatory behaviour towards certain populations.

Genocide

Genocide refers to the mass killing of people from a particular racial group. It is considered a crime in the terms of the United Nations and is universally condemned upon.

² “Relativism Definition & Meaning.” *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/relativism>.

³ “Natural Law.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/natural-law>.

⁴ “Nationalism Definition & Meaning.” *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/nationalism>.

⁵ “Conspiracy Theory.” *Conspiracy-Theory Noun - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com*, <https://www.oxfordlearnersdictionaries.com/definition/english/conspiracy-theory>.

Nomad

Nomads are a group of people who move from one place to another, rather than living in one place⁶. Many indigenous populations are considered nomads, with many still choosing to live a nomadic lifestyle.

Genital Mutilation

Genital Mutilation is the cutting of the female genitalia. This is a common practice amongst indigenous populations and its linked to religious values, the idea of virginity and hygiene.

BACKGROUND INFORMATION

The issue of cultural relativism could be seen on two fronts. After introducing the theory of cultural relativism, in general terms, I will go into depth about the two aspects of the topic. It is important to understand how to address both views.

Cultural relativism and its effects on society

Cultural relativism refers to the understanding and viewing of one's culture, through the perspective of that same culture. Its devotees accept that all cultures are different, and they carry different ideologies and different morals. Therefore, they evaluate each action, each tradition, habit or practice from the standards and morals of the specific culture. For example, if we look at the eating habits in continents like Africa and Asia, we can see that they differ substantially from our habits. Food choices such as insects, may seem typical to us and may lead to hasty conclusions about the entirety of that culture. However, a cultural relativist tends to view these choices through a different scope, and he or she may explore the reason as to why these cultures consume certain types of food, rather than directly jump into conclusions.

Advantages

By positioning oneself in the culture of interest, our views towards it may change. Though the promotion of tolerance, relativism endorses the idea that there is no right or wrong, and that morality is a relative concept. This allows for understanding between cultures and their different habits, traditions, and ideologies. By adopting a relativistic view, we can eliminate any instances of prejudice and bias. It can bring two individuals closer, by disregarding each person's differences, ideologies, and values. It calls for respect, equality, and peace among nations. Apart from that, the adoption and endorsement of cultural relativism, aids in the preservation of different cultures around the world. With cultural relativism, each culture is free to practice their traditions and practices, without feeling the need to assimilate with other communities and cultures. There is no international standard to be met, which calls for preserving and developing all cultures.

⁶ "Nomad." *Cambridge Dictionary*, <https://dictionary.cambridge.org/dictionary/english/nomad>.

Disadvantages

On the other hand, cultural relativism may lead to disruption in modern societies. Without having an absolute definition of what is considered right and what is considered wrong, the legal and judicial systems as well their processes would not be able to function and exert power. The wide acceptance of cultural relativism would allow for disobedience, chaos, and many conflicts between nations. Extreme practices that may lead to the harm of humanity, will be endorsed, and accepted, without any measure or repercussion. Furthermore, when distancing ourselves from a universally agreed upon truth, our perception of the world may change, leading to a more individualistic stance towards society. Individualism may cause further competition, lack of diversity and conflict. Lastly, by removing all judgement from morality and establishing a relative truth, there may be no standards for society. Without any standards, we will not be able to progress as human species since we will not be able to compare our journey and successes to other cultures and periods of time.

Cultural Relativism in contrast with Ethnocentrism

Defining Ethnocentrism

Ethnocentrism focuses on the idea that we should view each other's culture from our own culture's perspective. Its core is based on innate assumptions we have created through our own experiences and manner of living. Consequently, it allows for a sense of superiority, bias and conflict over culture practices and beliefs. Usually, ethnocentrists are indigenous, native to their land. Heavily influenced by patriotic ideologies, they consider migrants, and other people living in their land, as outsiders. A phrase that can be used to explain the way an ethnocentrist views the concept of cultural relativism is: "ingroup favouritism and outgroup tolerance". They believe that the acceptance of all cultures and their integration into their indigenous, pure society, is something dangerous and corrosive. The following examples manifest the way such groups may think.

The Great Replacement Theory

The Great Replacement Theory is a real-life application of how ethnocentrism theorists believe that cultural relativism is being used for harm against them. It refers to the conspiracy theory of white supremacist that believe that they are deliberately being replaced by foreigners. This theory has underpinned most anti-immigrant policies throughout the years and has been a protagonist in phenomena such as slavery, racism, anti-black legislation such as the infamous Jim Crow Laws in the USA etc. The indigenous people who believe this theory, strongly claim that their race is superior and that other races pose a threat to their indigenous community. This theory is mostly prominent in the USA, UK, and other European Countries.

Application of Ethnocentrism vs Cultural Relativism in real life: World War II

In the mid-1900s, the idea of the superiority of one single race and the belief that other cultures pose a threat to indigenous populations, led to the creation of Eugenics. Eugenics is the idea that we, through science can develop a "master" race. Before Adolf Hitler was infamously related to the idea of eugenics, it is important to mention

that it was a pre-existing idea in the other Western countries such as the USA. As it happens, Hitler's aim of achieving an ultimate Aryan race came from American eugenics, as referred in his book "Mein Kampf"⁷. The Nazi ethnocentric ideology believed that the Jewish "race" was deliberately aiming to expand and dominate Germany, by destroying the German "race".

Therefore, before and during WW2, indigenous German people believed that white Nordic people, i.e., Aryans are superior, and all other races should be kept out of the country. This led to genocides, exiles, concentration camps and uses of other types of torture such as gas or lethal injections. This shaped the racial and segregation laws in the whole western community.

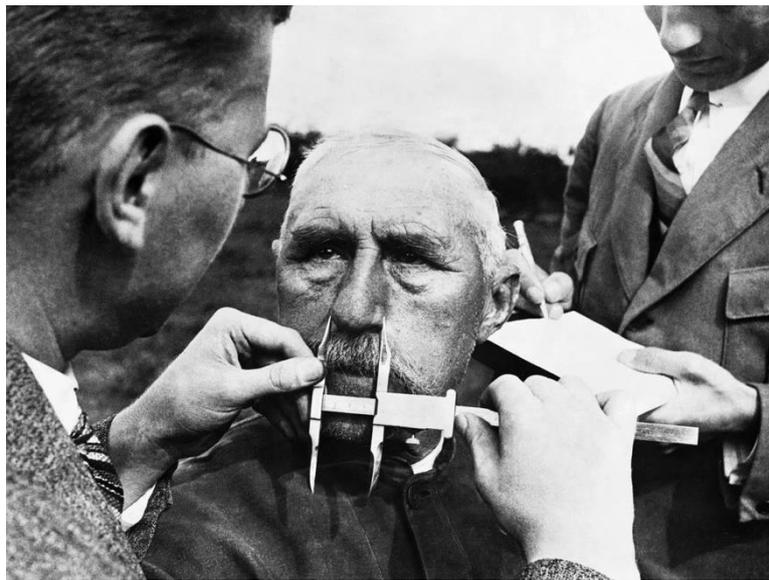


Figure 1 A system of facial measurement was used by the Nazis as a way of determining racial descent. Nazi Officials Use Calipers to Measure an Ethnic German's Nose on January 1, 1941. <https://www.smithsonianmag.com/science-nature/disturbing-resilience-scientific-racism-180972243/>.

Cultural relativism contrasted to Universalism

Defining Universalism

Universalism is another anthropology principle which challenges the idea of relativism. Unlike cultural relativism, universalists support that there may be only one truth, a universally agreed upon truth. They believe that since we are all human, and we share a common humanity, all values and morals must be objective and identical to every single individual. This clashes with the theory of cultural relativism which calls for a more subjective approach to morality, human rights, and values. So, for example when talking about a universally condemned, and illegal act, such as cannibalism, universalists would not be in favour of accepting cultures who endorse such an act. On the other hand, a cultural relativist may see this act as a necessity for a specific tribe and for the practice of a culture, hence concluding that it should not be

⁷ History.com Editors. "Eugenics." *History.com*, A&E Television Networks, 15 Nov. 2017, <https://www.history.com/topics/germany/eugenics>.

condemned. Therefore, the debate between cultural relativism and universalism has had a significant effect on indigenous tribal people and their rights.

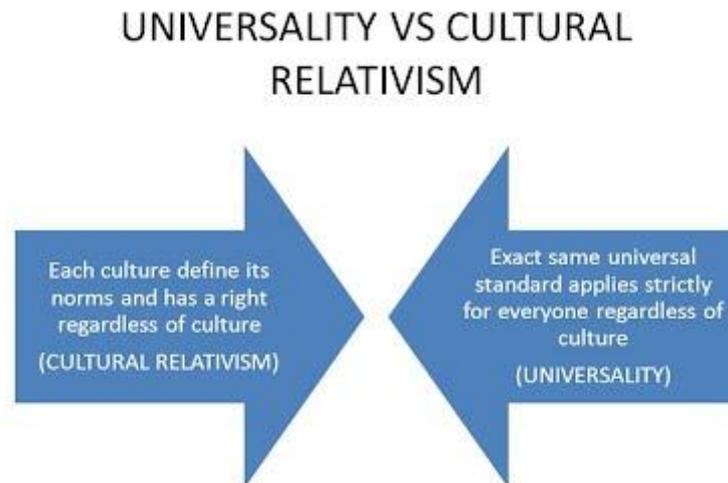


Figure 2: Distinguishing between Universalism and Cultural Relativism Google Sites, <https://sites.google.com/a/isb.be/isbglobalpolitics/unit-human-rights/cultural-relativism-and-universal-human-rights?tmpl=%2Fsystem%2Fapp%2Ftemplates%2Fprint%2F&showPrintDialog=1>.

Cultural Relativism and Universal Human Rights

“Life, Liberty and Property”, are the 3 basic, inalienable human rights introduced by John Locke in the 17th century⁸. Although the core basis of human rights has remained unchanged, the conditions and situations they now ought to cover have increased exponentially.

A big debate in which universalism and culture relativism have taken an opposing stance, is the question of the existence of universal human rights. The principle human rights, that are currently widely accepted by most nations, are included in the Universal Declaration of Human Rights, adopted in 1948⁹ by the General Assembly. As highlighted by the members of the General Assembly, the Universal Declaration of Human Rights is a “common standard of achievement for all people and nations”¹⁰. Therefore, this document constitutes a universalist approach to the establishment of inalienable rights of all individuals, regardless of race, ethnicity, religious, background. The document outlines the human rights to life, security, protection, free will, nationality, trial, equality etc.

⁸ “Natural Rights.” *Constitutional Rights Foundation*, <https://www.crf-usa.org/foundations-of-our-constitution/natural-rights.html>.

⁹ “Universal Declaration of Human Rights.” *United Nations*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

¹⁰ “Universal Declaration of Human Rights.” *United Nations*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

However, cultural relativists around the globe have condemned the creation and obedience of such a document. Due to their relativist ideologies, they believe that laws and values should not constitute a global ideology, but rather a local and domestic one. They argue that since the ideas highlighted in the UDHR were developed by Western nations, then they only reflect on these Western ideologies, disregarding any other nation. Therefore, they should not be imposed to populations with different backgrounds, whether those are historical, economical, or generally cultural. So, the question that bears asking is: Should human rights be subject to cultural modification? How can we impose culturally specific human rights, to respect indigenous values and beliefs? Examples of how this debate has caused issues in the current world will be further analysed in the guide.

Examples of the abuse of Cultural Relativism

The Rendille tribe, situated in the northern part of Kenya, is one of the several African tribes which still perform Female Genital Cuttings (FGCs). ¹¹FGC consists one of the many marital ceremonies that the nomadic tribe executes. It is a ceremony of pride for the woman that undergoes it, and it establishes her entrance to womanhood and her integration among other married, circumcised women. Female Genital Cutting in the Rendille tribe is a symbolism of religion and tradition, which happens from a young age, usually from the age of 16. Even though FGC is part of the aboriginal culture, and it is a reflection of their long history and traditions, it has been considered a global health issue. The procedure of female circumcision poses many issues to the woman and to her future children. Statistically speaking, the World Health Organisation has warned that female circumcision contributes significantly to infant deaths. Therefore, in this case, cultural relativists would support that since female circumcision is part of the Rendille tribe, international or national law should not intervene and put an end to it. This poses a threat to the entirety of the global health and raises questions as to how much we can support and apply cultural relativism in our lives and in international human rights. Another example of how in some cases, cultural relativism and opposition to universal law should be limited, is the situation in Tanzania. The Maasai Community is a tribe situated in Kenya and Tanzania. They are a semi nomadic tribe that has retained the traditions and practices of their descendants. In some Maasai communities, education is not seen as something that's necessary, even though it is compulsory both on a national and international level. They believe that a boy's destiny is to be involved in agricultural practices, while the girl's is to help in housekeeping. Kenya and Tanzania have laws obligating parents to send their children to elementary school. Same goes for the UDHR, which states in article 26 that "Elementary education shall be compulsory" ¹². This constitutes an example where

¹¹ Khazan, Olga. "What Many People Don't Understand about Female Circumcision." *The Atlantic*, Atlantic Media Company, 13 June 2021, <https://www.theatlantic.com/international/archive/2015/04/female-genital-mutilation-cutting-anthropologist/389640/>.

¹² "Universal Declaration of Human Rights." *United Nations*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

cultural relativism clearly crosses a line. Seeing that this is a violation of human rights, international law should be applied.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

Canada

First Nations, Metis, Innuits; Canada is home to a lot of indigenous people, still to this day. According to research conducted in 2016, more than 1.76 million natives¹³ occupy areas of Northern America. The Canadian government, in agreement with the Crown have taken initiative to “assimilate” the wide indigenous populations. A controversial example of their actions is the Indian Act created in 1876. It served to integrate First Nations peoples, into the standard Canadian society. They did so by banning their rituals, non-consensually displacing them, refusing access to legal representation, and forcing their children to attend residential schools, aimed at detaching them from their native language and traditions. Fortunately, after the indigenous contribution to World War II, the Indian Act was amended for the better. Still to this day, the Indian Act recognises the indigenous right to vote, to practice their traditions and celebrations, as well to legally own land. Even though indigenous people in Canada are subject to the same legislations, discrimination and prejudice towards these communities is still a prominent issue.

Australia

Australia was once home to over 500 different aboriginal tribes¹⁴. However, this number has significantly decreased over the past decades, due to the unceasing discrimination and dehumanisation that they have had to face. Following the first appearances of the British colonisers in Australia in the late 1700s, prejudice in the forms of racism, exiles, violence, possession of land etc., led to the current percentage of aboriginal populations; just 3%. The government has since apologised to the indigenous tribes and has recognised many of their rights. In February 2013, the Australian government passed the Act of Recognition¹⁵ which acknowledged the Torres Strait Islander people in Australia, giving them access to their rights and many more benefits. Furthermore, the Australian Government annually celebrates the “National Sorry Day”¹⁶ as an official apology to the years of extreme intolerance faced by the indigenous people.

¹³ Government of Canada; Indigenous Services Canada. “Annual Report to Parliament 2020.” *Government of Canada; Indigenous Services Canada*, 3 Nov. 2020, <https://www.sac-isc.gc.ca/eng/1602010609492/1602010631711>.

¹⁴ Digital Transformation Agency. “Our People.” *Australia.gov.au*, Digital Transformation Agency, 8 Mar. 2016, <https://info.australia.gov.au/about-australia/our-country/our-people>.

¹⁵ Korff, Jens. “Constitutional Recognition of Aboriginal People.” *Creative Spirits*, 14 Aug. 2021, <https://www.creativespirits.info/aboriginalculture/politics/constitutional-recognition-of-aboriginal-people>.

¹⁶ “National Sorry Day – a Time for All Australians to Commit to Healing the Nation.” *Healing Foundation*, 1 June 2021, <https://healingfoundation.org.au/2021/05/25/national-sorry-day/>.

USA

From as early as 1000 BC, Native Americans had covered the entire continent, gradually developing their culture¹⁷. However, the European colonisation from the 1500s, soon challenged the indigenous populations and their rights. The European settlers started coming to America to gain more land to accommodate their ever-growing population, leading to continuous armed conflicts, disputes, genocides, and various other forms of abuse. These disputes continued for centuries till the Indian citizenship act¹⁸ which recognised indigenous rights to USA citizenship. This was a milestone in the history of US-Native American relationship. Currently, indigenous rights are recognised by the US Constitution. Native Americans can vote and to run for office. In addition, the US constitution has recognised that tribal nations are sovereign nations, federally recognised independent entities. Therefore, they have the freedom to create their own governmental positions and their own judicial system. This has resulted in the creation of tribal courts. However, we can see that in certain states, under the Public Law 280¹⁹, the Congress can authorise its own jurisdiction and intervene in tribal law.

France

“Le Grand Remplacement” in France, has supposedly become a reality, according to white French nationalists. The great replacement theory in France supports that an elitist group is replacing French and European people with non-Europeans from Africa and the Middle East. According to recent studies, 67% of French people believe that the great replacement is not a conspiracy theory²⁰, however it is becoming a reality. Segregation and nationalist ideologies have also spread because of right-wing presidential candidate “Eric Zemmour”, who has openly talked about the issue of immigration and has propagated his views on the need to prevent the domination of other “foreign” races in France. Linking to the issue of tribal indigenous people, France has been recognised as one of the countries that supported indigenous populations and helped develop their culture. During the period of the European Colonisation, the French financially aided Native Americans and other indigenous populations in Canada and North America by establishing trading relationships. France has remained active in the battle for the recognition of indigenous rights, by ratifying the UNDRIP.

¹⁷ *The First Americans - Scientific American*. <https://www.scientificamerican.com/article/the-first-americans/>.

¹⁸ “Congress Enacts the Indian Citizenship Act.” *History.com*, A&E Television Networks, 9 Feb. 2010, <https://www.history.com/this-day-in-history/the-indian-citizenship-act>.

¹⁹ “Public Law 280.” *Public Law 280 Resources*, <http://www.tribal-institute.org/lists/pl280.htm>.

²⁰ BULLENS, Lara. “How France's 'Great Replacement' Theory Conquered the Global Far Right.” *France 24*, France 24, 8 Nov. 2021, <https://www.france24.com/en/europe/20211108-how-the-french-great-replacement-theory-conquered-the-far-right>.

The European Union

The European Union has made several efforts in the process of the recognition of indigenous rights. Through their treaties, agreements, and legislations they have managed to raise awareness for the issue of indigenous discrimination in the face of not only European countries, but countries around the globe. Apart from their contributions to the signing and ratification of the International Labour Organization Indigenous and Tribal People's Convention²¹ and the United Nations Declaration on the Rights of Indigenous²² Peoples²³, they created the "Resolution on the Violation of the rights of indigenous peoples in the world",²⁴ including land grabbing. This resolution will be further analysed below.

UN Human Rights Office (OHCHR)

The UN Human Rights Office has recognised the need to raise awareness about indigenous rights, especially amid the Covid 19 pandemic. Special attention is given to the protection of indigenous women and girls as they are three times more vulnerable to sexual violence, compared to the standard woman.²⁵ The OHCHR has insistently provided aid to indigenous people in the form of financial, legal, or general humanitarian aid. An example of this could include the UN Voluntary fund for indigenous people, initiated by the OHCHR, to provide financial support in the form of grants. It has acted as a protagonist in the recognition of indigenous human rights, by encouraging cooperation with state authorities and focusing on the wellbeing and future of indigenous young people.

²¹ "C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)." *Convention C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC169.

²² "United Nations Declaration on the Rights of Indigenous Peoples for Indigenous Peoples." *United Nations*, United Nations, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.

²³ "United Nations Declaration on the Rights of Indigenous Peoples for Indigenous Peoples." *United Nations*, United Nations,

²⁴ "Texts Adopted - Violation of Rights of Indigenous Peoples in the World - Tuesday, 3 July 2018." *Europarl.europa.eu*, https://www.europarl.europa.eu/doceo/document/TA-8-2018-0279_EN.html.

²⁵ "Indigenous Peoples." *OHCHR*, <https://www.ohchr.org/en/issues/ipeoples/Pages/IndigenousPeoplesIndex.aspx>.

TIMELINE OF EVENTS

| Date of Event | Description of event |
|--------------------------------|--|
| 1000-500 B.C. | The settling of the First Nations in nowadays Canada |
| 1901-1972 | The adoption of the White Australian Policy |
| Early 1900s | The Eugenics movement |
| 1948 | The creation of the Universal Declaration of Human Rights |
| 1962 | Indigenous Australians are granted the right to vote |
| 1989 | The publishing of The ILO's Indigenous and Tribal Peoples Convention (no.169) |
| 2007 | The creation of the United Nations Declaration on the Rights of Indigenous People |
| 13 th February 2008 | Prime Minister of Australia Kevin Rudd makes a formal apology to Australia's Indigenous peoples and establishes the "National Sorry Day" |
| 3 rd July 2018 | The European Parliament resolution on violation of the rights of indigenous peoples in the world, including land grabbing |
| 2020 | Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples |

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

[The United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted in 2007, highlights the rights of indigenous populations around the globe. More specifically, it recognises indigenous populations as having the same rights as any other individual. It mentions that aboriginal people should have the right to self-determination, security, freedom, peace and to be protected by any type of violence. Article n.10 also states that no indigenous population shall be displaced without the consent of the people themselves. It also focuses on specific human rights mentioned in the Universal Declaration of Human rights and how these can be modified to apply to the indigenous culture. An example is Article 26, which complements Article 10 of the UDHR, states that legal recognition will be given to land however with the appropriate respect to indigenous values of stewardship.

European Parliament resolution of 3 July 2018 on violation of the rights of indigenous peoples in the world, including land grabbing (2017/2206(INI))

The resolution passed in 2018, emphasising on the right of indigenous people for land and property and asks the elimination of any violations such as the deployment of forces in the territories of indigenous people. It further encourages communication and cooperation between the states and the aboriginal tribes, in an attempt to prevent instances of conflict and misconstruction. Focusing on the legal aspect of the resolution, the European Parliament deliberates on the importance of the United Nations Declaration on the Rights of Indigenous People, the International Labour Organization convention no.169 on Indigenous and Tribal Peoples and other conventions which facilitate the indigenous access to their rights.

The right to property in North America

According to Article 17 of the Universal Declaration of Human rights, “Everyone has the right to own property alone as well as in association with others.” and “ No one shall be arbitrarily deprived of his property.”²⁶ However, the idea of ownership and possession of land is an ideology that does not exist amongst indigenous populations. Indigenous people do not believe in the possession of land, since it’s a product of mother nature. They believe in stewardship, which refers to the tending and caring of land for the wellbeing of future generations. Over the years, Canada has attempted to recognise indigenous rights by providing them with land. Two examples of how Canada has granted self-government to indigenous people, is with the Nisgas Treaty²⁷ and the creation of the Nunavut Territory in 1999²⁸. Both events, although gave land to indigenous populations, they infringed on their collective land rights. The possession of land in the form of self-government, challenged and still challenges the principles of stewardship. This is an example of how universalism and the imposition of universal rights, act as an impediment to the harmonic co-existence between indigenous people and the Western World. It emphasises on the need of cultural relativism in this case.

Resolution 47/135 on the Declaration of the Rights of persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Resolution 47/135 was passed by the General Assembly in 1992, and it constitutes one of the earliest UN initiatives on the matter, however it has remained an indispensable document for the rights of indigenous populations. The resolution focuses on the protection of all cultural aspects of indigenous population including religion, language etc. It states that all indigenous populations can practice their culture freely, without any intervention or discrimination. It also encourages states to take measures in order for the indigenous communities to be able to practice their language and teach it to

²⁶“Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 17.” *OHCHR*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23932&LangID=E>.

²⁷ “Understanding the Treaty.” *Understanding the Treaty | Nisga'a Lisims Government*, <https://www.nisgaanation.ca/understanding-treaty>.

²⁸ “Nunavut.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/place/Nunavut>.

future generations. Lastly, it highlights the importance for states to introduce the history and culture of indigenous people in their own educational system.

POSSIBLE SOLUTIONS

Legislative initiatives

To promote cultural relativism and encourage further tolerance between different communities, all nations need to abide by some international standards. By signing and ratifying the treaties and declarations mentioned above in the guide, countries will become more aware of the importance of cultural relativism in terms of human rights. In addition, member states should be encouraged to sign and ratify the Core International Human Rights Instruments²⁹, as proposed by the UN Office of Human Rights. These 9 legislations, act as a complement to the Universal Declaration of Human Rights, by specifying on certain global issues such as rights of children, rights of disabled persons, rights of migrants, the elimination of racial discrimination etc. The abiding of the treaties shall be monitored by special overseeing bodies. By stressing the importance of the upholding of human rights, all member states will become more tolerant towards different cultures, different populations, indigenous practices and traditions. This will create a strong foundation for further promotion of cultural relativism as an attempt to protect indigenous rights. Moreover, special attention should be given to the United Nations Declaration on the Rights of indigenous Peoples, which plays and will continue to play a big role in the normality of indigenous populations. Therefore, all nations ought to sign, ratify and propose additions to the document. The world is constantly undergoing change, and therefore the legislation that acts in accordance with it, ought to change, to address and combat new challenges.

The importance of communication in land use

The provision of sovereignty to indigenous people, is an issue that has concerned the global scope for decades now. In the past few years, many countries have agreed to give land to indigenous people for them to continue practicing their culture and traditions. However, it is important to mention, that when taking such initiatives, indigenous people should engage in the negotiations and be fully informed of any decisions regarding land, and their occupation of it. Prior, informed consent is necessary and needs to be adopted by every member state as well as companies that are aiming to launch projects in the land of indigenous people.

Ensuring access to justice for indigenous people

Access to justice has been a main impediment for the rights of indigenous populations. By promoting the establishment of more tribal courts, indigenous sovereignty will be strengthened. Indigenous populations form around the globe will be able to impose their own jurisdiction to their people, without the intervention of state courts. The

²⁹ "Core International Instruments." *OHCHR*,
<https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx>.

establishment of these courts will benefit these populations since they will reflect on the values and the general cultures of their communities. Strengthening the juridical systems of indigenous people and by making their presence and power known to the entirety of the international scope, we will be able to facilitate access to justice. However, without the intervention of the state judicial systems, legal resources may be scarce, leading to unfair trials and unequal access to justice. Therefore, an intermediate could be established by incorporating the indigenous justice system into the state system. Another solution would be to ensure, when needed, access of indigenous people to a formal state court.

Building public awareness and promoting cross-cultural understanding

Through early education and prevention, the phenomena of racism, xenophobia, discrimination, segregation, antisemitism etc., could be steadily combatted. By including the subject of cross-cultural understanding in the school syllabus, as well as establishing national holidays, campaigns, and promotion in the media, we could universally build up tolerance and promote the concept of cultural relativism. As a result, fear towards outsider cultures will be eliminated and consequently, extreme ideologies such as ethnocentrism will be eliminated and will not pose a threat to global peace and unity.

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