

## Right to Self Determination, Right to Development and Biocultural Rights of Indigenous Peoples

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### Abstract

The international law and international customary law recognised the right to self-determination as the human right of the indigenous people which significantly contributed in the development of the rights of the indigenous peoples. This right to self-determination started the debate on the sovereign rights of the indigenous people over their forests, traditional and ancestral lands. The right to development ensures that the indigenous peoples and local communities have right to equitable distribution in the national and world natural and economic resources. The United Nations Declaration on the Right to Development, 1986 is a new jurisprudential development in the struggle for the protection of the rights of the indigenous peoples. The right to development requires an equitable, beneficial and inclusive development efforts for all. The displaced, dispossessed and uprooted indigenous peoples are considered as **development refugee**. The right to development is considered as a significant contribution in the struggle for the protection of the rights of the indigenous peoples in raising their voices for sharing benefits of the economic development.

**Key Words:** Right to Self-Determination, Right to Development, Biocultural Rights, Indigenous Communities

### INTRODUCTION

The United Nations Declaration on the Right to Development, 1986 is a new jurisprudential development in the struggle for the protection of the rights of the indigenous peoples. The UN Declaration of 1986 has practical implications related to the exercise of the rights conferred by United Nations Declaration on the Rights of the Indigenous Peoples, 2007. The right to development is centric to the human right approach while it is also applicable to the biocultural rights of the indigenous peoples. The UN Declaration on Right to Development and on the Rights of the Indigenous Peoples considered indigenous peoples as an antecedent of the development in the struggle for such rights. These UN Declarations enlarged and enhanced the scope of the struggle for the protection of the rights of the indigenous and local peoples jurisprudentially. The right to development ensures that the indigenous peoples and local communities have right to equitable distribution in the national and world natural and economic resources.<sup>1</sup>

The indigenous and traditional justice system is considered as better than the judicial administration of the modern and colonised world developed in the last two centuries. The modern jurisprudence is silent on the contributions of the indigenous and tribal justice system, it ignored or failed to recognised the principles evolved through the centuries in such justice systems. The modern jurisprudential approaches are not sufficient to deliver justice to the indigenous and tribal communities. Therefore, the biocultural rights jurisprudence is not able to deliver justice in the indigenous and tribal communities without applying the principles of the indigenous and tribal justice systems.<sup>2</sup>

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## RIGHT TO DEVELOPMENT

The United Nations Declaration on the Rights to Development in 1986 by the United Nations General Assembly contributes significantly in both communities' and individuals' economic, social and cultural and political freedoms. The right to development fully recognises the right to self-determination and that the rights related to natural resources and traditional land territories are inseparable, inalienable and sovereign for utilising the natural wealth for livelihood and for the occupational purposes. Right to development is inclusive in nature as it enables the minority, disadvantaged, disabled persons and indigenous peoples to progress for their mainstreaming in their societies and makes them capable of active participation in all levels of decision making in all forums related to the sustainable development and right to development. Article 1.2 of the United Nations Declaration on the Right to Development states that the human right to development recognises the full realisation of right to self-determination. Therefore, the Declaration imposed primary responsibility on the part of the States to ensure and implement effectively the right to development for all persons. The mega developmental projects cause environment degradation, biodiversity loss, climate change and threaten the occupations and survival of indigenous peoples and local communities. The right to development framework is rooted in the principles of non-discrimination, inclusivity, participation, accountability and international cooperation. The right to development guides the States that in the development process, the rights of the minority, local and indigenous peoples should not be ignored. The impact and outcomes of the mega development and infrastructural projects should not result into negative effects on the indigenous peoples. The right to development requires the equitable, beneficial and inclusive development efforts for all.<sup>3</sup>

The right to development removes and corrects the historical injustices to the indigenous, local and minority communities by recognising their cultural distinctiveness, traditional territories and traditional value systems. The right to self-determination is the most centric and valuable to the right to development, together, both these rights attempted to mainstream the marginalised locals, discriminated, excluded and dispossessed indigenous peoples. The right to development empowers them through their governments, against the systematically continued dispossession of indigenous people since centuries by the colonial/imperial powers and globalisation. The right to development helps the indigenous communities for demarcating and recognising their traditional and ancestral territories for acknowledging and establishing their cultural and occupational rights. The conflict between the indigenous people and corporations, international capital inflows and development capital for carrying the mega development projects resulted in marginalisation of indigenous peoples and consequently environment degradation and loss of biodiversity. The multinational corporations disturbed/encroached upon the occupational rights of the indigenous people by exploiting their traditional knowledge and practices for commercial purposes. Therefore, the displaced, dispossessed and uprooted indigenous peoples are considered the *development refugees*.<sup>4</sup>

The right to development is considered as a significant contribution in the struggle for the protection of the rights of the indigenous peoples in raising their voices for sharing benefits in the economic development. It really helps the indigenous peoples to participate in the democratic decision-making process that impacts their traditional values, culture, forests, land and occupational structure. The major substantial achievement of the declaration of the right to development is the participation of the indigenous and local communities in all forums and protection of their traditional interests through the international human rights laws. The democratic participation is an effective mechanism for mobilising the indigenous and local communities and bringing them onto a common international platform to combat discrimination, social exclusion and economic inequalities. The right to development facilitates participation process making it effective and also ensures effective institutional mechanism

in exercising the right by the indigenous peoples. The right to development contributed significantly in enhancing the legal pluralism by promoting the interests of the minorities and indigenous communities in expanding their space in the academic discussions. It helps such communities in reasserting control in the modern development process, their rehabilitation and resettlement. The right to development expands the real freedoms of the indigenous and local communities in both their national legal systems and the international law. The right to development is considered as the *mother of all rights*. The right to development considers the development as a public good against the repressive policies of the colonialism and imperialism. The right to development retains discourse that modern development patterns should be based on the human rights approach, right to self-determination and socio-economic rights. The right to development has changed the popular global narrative of development. The development discourse changed after the UN declarations on the right to development and rights of the indigenous peoples.<sup>5</sup>

The development of legal pluralism after the UN Declaration on the Right to Development attracted the international law for participating normative communities and developing discourse that the biocultural rights are inseparable and universal in nature by paying due considerations to the local and regional identities of indigenous communities. The legal pluralism opposed the legal centralism while it is accepted that former does not have the implementing force as compared to the latter. The dynamics of the international customary laws strengthens the position of the indigenous peoples for building their arguments at all international forums.<sup>6</sup>

There are multiples dimensions of the modern development process such as human rights approach, inclusivity of the underprivileged and disadvantaged sections of the societies, empowering and mainstreaming of the minorities and indigenous peoples. The human rights approach is considered as a part of the modern development process. Before the UN declarations on the right to development and right of the indigenous peoples, the human rights approach and the development were regarded as two different approaches. Not integrating the human right approach with the development, was a major setback for indigenous people. As a result, the States were not made accountable in case of violation of human rights or socio-economic rights of the indigenous peoples. Therefore, the Declaration on the Right to Development is a considerable advancement and a significant development in protecting the rights of the indigenous peoples. The UN declarations lead to greater consideration being given to the rights of the indigenous, local and tribal peoples, by the States, in formulating and implementing the development programmes and policies.<sup>7</sup>

The States imposed several restrictions on the indigenous groups in the exercise of their right to self-determination under the international law and argued about the territorial integrity. The right to development and self-determination imply that indigenous peoples have right to dispose of the natural resources and practice their traditional governance structure in their traditional territories. The right to development and self-determination strike a balance between the States and indigenous peoples as to their exercising of rights on one hand and competing and contending interests related to the development projects on the other. The indigenous peoples should not oppose the legitimate aim of the States and the inclusive development projects.<sup>8</sup>

The combined result of the UN declarations is that the recent developments show that the States are granting limited but various forms of autonomy to indigenous peoples. The international law related to the right to development and self-determination is still in the initial phase and is evolving. The States have to deal with diverse and different types of situations in granting the rights to the indigenous and local communities. The problem sometimes arises when the State considers its entire population as

‘indigenous’ as in case of India. In such situation, the right to development and self-determination becomes difficult to be granted and implemented. Implementing the rights to self-determination and development negatively impacts the minority and tribal people in such situations. Therefore, to make the UN declarations successful effective participation of the indigenous communities in decision making process is warranted.<sup>9</sup>

## **RIGHT TO SELF-DETERMINATION**

The ethnic minority communities claim recognition of their right over their traditional territories, resources and biodiversity in the light of the right to self-determination in the national legal framework. The frequent biocultural conflicts among the communities with the inflow of international capital further requires the protection of the rights of the indigenous communities. The demand of the bio-cultural rights at both individual and community level is also growing since the human rights approach developed among the indigenous people but globally the study suggests that the bio-cultural rights are the community rights as per their traditional nature.<sup>10</sup>

The international law and international customary law recognised the right to self-determination as the human rights of the indigenous people which significantly contributed in the development of the rights of the indigenous peoples. The extent, nature and scope of the right to self-determination suggests that it is the source of the modern rights of the indigenous peoples at international level. This right to self-determination started the debate on the sovereign rights of the indigenous people over their forests, traditional and ancestral lands. The sovereign character in the right of the indigenous people is a major development on which it is contested and argued that at the time of colonisation the indigenous, tribal and local people were independent and constituted themselves as the sovereign groups or communities.<sup>11</sup> Article 19 of United Nations Declaration on the Rights of the Indigenous Peoples, 2007 is a landmark development in the area of rights of the indigenous people which mandates that States shall consult and obtain free, prior and informed consent of the indigenous communities. Therefore, the character of the indigenous, tribal and local communities is essentially sovereign and they are free from any interference of the State to form their own traditional governance structures and in promotion of their traditional knowledge and belief systems.<sup>12</sup>

The rights to land, territories and resources formed part of the cultural rights of the indigenous peoples on the basis of their historical ties with land, territories and resources. There is no need to apply deliberate strategy for granting civil rights and right to property but such rights are the by-product of their historical and cultural contexts to hold and possess the land, resources and territories and under the principle of the self-determination. Therefore, the constructive interpretation of the right to self-determination and right to development constitutes an important component along with the role of international institutions, international networks in conferring the right to land, resources and territories on the indigenous communities.<sup>13</sup>

The civil rights of the indigenous peoples such as right to property are not included in the right to self-determination because the modern civil rights of the indigenous peoples arise from the historical context and their relations since centuries. They are the traditional users of the land as per the international customary law as well as the traditional possessors of the land, resources and forests. The indigenous and tribal peoples do not have the property rights historically but they are traditional users of the land since centuries which resulted them into becoming the legitimate owner of the land, resources and forests. The indigenous communities, historically, sometimes held and used the very large but varying area which was entirely possessed by them as single unit. Therefore, under such

diverse fact and circumstances the indigenous, tribal and local communities established their numerous civil rights related to resources, forests, land and traditional territories. The international customary law and international norms permit the indigenous communities to possess the civil rights and legal rights related to land, territories and resources. The civil rights of the indigenous peoples related to property are understood in the historical background of the principle of non-discrimination. The legal right to property evolved in the international law and cannot be arbitrarily deprived and dispossessed of, if once acquired. Therefore, the changed perceptions should not be applied in case of the civil rights of the indigenous people in context of the legal rights over the land, resources and territories.<sup>14</sup>

The international human rights discourse is very slow to recognise the collective rights of the indigenous peoples while it is an accepted fact that the collective rights are the basis of the land, forests and resources. The right to self-determination is also a collective right of the indigenous peoples while international human rights recognise it, but majority of the States do not. The difference between the indigenous rights and human rights is that indigenous people historically did not experience the discriminating practices within their societies. Therefore, the international movement of the indigenous peoples stressed on recognition of the right to self-determination and collective rights in the framework of the international human rights. The international norms and the international human rights regime favours the claims of the indigenous peoples for the right to self-determination and as collective right.<sup>15</sup>

The United Nations Declaration on the Rights of the Indigenous Peoples, 2007 is the most comprehensive international instrument. It is a result of the struggle by the indigenous, locals, tribals, Aborigines and other distinct cultural groups during and after the colonisation to protect their social, cultural, economic and occupational rights, collectively which can be called biocultural rights. The UN Declaration shows that there is an urgent need to protect the biocultural rights of the indigenous peoples. The Declaration recommends the pragmatic approach to protect and promote the rights of the indigenous peoples by strengthening their traditional knowledge, traditional practices and the transmission thereof. The Declaration doesn't create any additional or new right for the indigenous peoples but it elaborates the various existing human rights instruments and treaties in order to protect the biocultural rights of the indigenous peoples. The protection of the indigenous, tribal and local peoples lies in the protection of their cultural, economic and social rights collectively as the biocultural rights. The traditional knowledge system of the indigenous peoples is the basis for their occupational patterns and cultural rights. The practices they are following since centuries protect their culture and occupations. The traditional knowledge system passes from generation to generation in oral forms and it is expressed in their songs, stories, cultural values and day to day activities. The Declaration protects, and promotes such interests of the indigenous communities in order to protect their biocultural rights. The land and forests use patterns are sustainable as they manage the environment and development. The traditional and occupational practices along with the traditional knowledge system are the core of the indigenous and tribal identities. Therefore, the protection of the traditional knowledge system and the occupational practices is a matter of survival and a foundation for the biocultural rights of the indigenous peoples.<sup>16</sup>

The Preamble of the Declaration observes and recognises that there is an urgent need to protect the biocultural rights of the indigenous peoples by protecting and promoting their social, cultural, economic and occupational rights. It further states that the indigenous peoples are free, independent and can exercise their right to development and right to self-determination in order to determine their political, cultural, social and economic status. The indigenous people are free from any discrimination based on the cultural, social, economic aspects or historical injustice that creates any disability for such communities or members of the communities. The Declaration for the purpose of this research work

is divided into three parts. In Part I, the discussion is about the cluster of rights in the form of the right to development, right to self-determination, and right to follow their occupational and economic practices, the right to continue traditional practices, right to participate in decision making, rights to access to traditional territories, land territories, forests activities, natural resources and forest land, right to preserve, protect and promote their culture and cultural activities. Part II is about the relation with the present State to which their land or peoples are subject and the obligations arising out from the international customary law and international human rights instruments. Part III is about the specific role of UN, mentioned for the indigenous peoples.<sup>17</sup>

The most striking features of the Declaration is the right to self-determination for the indigenous peoples. The Preamble affirms, by acknowledging International Covenant on Civil and Political Rights, 1966, the International Convention on Economic, Social and Cultural Rights, 1966, Vienna Convention and Programme of Action, that all people have the right to self-determination in order to determine and decide their political and economic status to pursue their social, economic and cultural development. It further states that the indigenous peoples exercise their right to self-determination in conformity with the international law.<sup>18</sup> Article 3 of the Declaration carry the provision that the indigenous people have right to self-determination in determining freely their political status and to pursue freely their social, economic and cultural development. Article 4 further states that the indigenous peoples have full autonomy in establishing self-government for the purpose of managing their internal and local affairs and for financing and protecting their autonomous affairs.<sup>19</sup> Thus, the right to self-determination is not debatable or controversial as such in the international law. It is considered as a fundamental principle of the international law as it is expressed in the UN Charter and the UN Covenants of 1966, but the scope of the right to self-determination is controversial as it is available to the local and indigenous peoples against the national legal systems in which they are subjects. The word 'people' is an alternative of the 'states' in the international human rights documents. The scope of the self-determination is different when it comes to minorities other than the indigenous peoples. The minorities may be different from the indigenous communities as the minorities may be based on the criteria of language, religion, ethnicity while the term 'indigenous' includes the peoples having historic ties with land or natural resources.<sup>20</sup> Thus, Articles 3 and 4 of the Declaration recognises the right to self-determination in determining social, cultural, political and economic rights. This right extends to the right to autonomy and right to self-governance in the local and internal matters.

The biocultural rights of the indigenous peoples rooted in and arising out of the Universal Declaration of Human Rights, 1948 and other international human rights instruments, are sometimes considered as fundamental rights for the indigenous peoples. The Declaration reflects the indigenous peoples as the people of the distinct natura. The international discourse, approaches and the policies try to mainstream the indigenous peoples with the rest of the world's non-indigenous population. The Declaration protects the collective rights of the indigenous, tribal, local distinct communities and the cultural minorities and prevent the loss of their cultural identities. Additionally, the Declaration recognised and elaborated the collective human rights of the indigenous communities such as the right to land, right to traditional territories, natural resources and cultural rights.<sup>21</sup> Article 1 states that the indigenous peoples and members of such communities have the collective and individual biocultural rights by referring to the international human rights instruments. Article 2 clearly provides that the indigenous communities or the members of such communities are free from discrimination of any kind. They can freely exercise their rights arising out from the Declaration and international human rights instruments, and practice and promote their cultural rights along with their identity of origin. Therefore, the combined effect of Articles 1 and 2 is that Declaration recognises both collective and

individual rights, prohibition of discrimination on any basis or any practice which disables the member of such communities.<sup>22</sup>

In consonance with the UN Declaration, the UN Human Rights Council guides the international business community through the Guiding Principles on Business and Human Rights that emphasises on to respect, protect and remedy the international framework for the human rights in business. It highlights the responsibility of the State to protect human rights and guides the corporate sector to respect the same. In case of violation, the State has to ensure that, the remedial measures, both judicial and non-judicial, should be actively delivered. The Human Rights Council states that there is an urgent need for the governments to encourage and recommend the guiding principles and policy framework for the corporations and enterprises and to follow the national and international framework on the human rights and respect the same in their business practices. Therefore, both the UN Declaration on the Rights of the Indigenous Peoples and the UN Human Rights Council regulate the enterprises and the corporate behaviour, national and international capital flow and foreign direct investment in related matters that directly impact the resources, territorial rights, forest and forest lands of the indigenous peoples.<sup>23</sup>

The Preamble of the UN Declaration points out that the cultural groups constitute the richness of the human civilisation and they contribute to it by practicing different techniques in different regions of the globe and promote the common heritage of humankind. The Preambular Paragraph further considers that the local, distinct cultural groups and the indigenous and tribal peoples are the core of the human diversity and civilisation. The biocultural rights of the indigenous peoples permeate through the UN Declaration, and are interrelated to the other human rights instruments.<sup>24</sup> These rights of the indigenous peoples recognised by the UN Declaration, are of wider range covering social, economic, political, cultural and occupational rights, inculcating almost all the aspects of the indigenous and tribal lives. Article 8(1) of the Declaration states that the indigenous peoples have right to practice their independent set of cultural and occupational patterns and such people must not be subject to coercion, destruction of their cultural practices, cultural integrity and assimilation.<sup>25</sup>

The Declaration ensures the indigenous communities through their respective governments for an effective, meaningful and participatory role in the institutions meant for the protection of the biocultural right of the indigenous peoples. Article 5 states that the indigenous peoples have right to maintain, establish and administer their social and cultural institutions in order to protect and promote the biocultural rights. Article 9 further recognises the important right related to the membership of their cultural groups or community in accordance to their customs and traditions. Article 11(1) highlights the cultural practices for revitalising, promoting and protecting their traditions and customs. Article 11(2) further carries the redressal mechanism, if the property is taken from the indigenous or tribal communities in violation of their traditions, customs or international laws without their free, prior and informed consent. Article 12 protects their cultural and social ceremonies, right to management and protection of their cultural and religious sites, manifestation, teaching, practising, promoting and developing their religious and spirituals traditions and repatriation and preservation of their human remains. Article 14 establishes the right to appropriate cultural education and promote their traditional knowledge system. The most important is Article 24 that recognises that indigenous peoples can maintain and promote their traditional health care practices and medicines to promote and carry their healthcare system.<sup>26</sup>

Article 18 of the Declaration states that the indigenous communities or peoples have right to participate in the decision making in all the policy and other framework matters related to them or that affects

their lives. The representatives of the indigenous peoples participate in order to protect their internal and local interests. The right to participate in the decision-making process is enshrined in the international instruments. The participation in the electoral process, public affairs and political and economic affairs of the country or matters related to their communities indirectly is also recognised. The activities of the civil, cultural and public nature should be open for the participation of the indigenous peoples. The right to participation in decision making is considered as a collective right. It ensures adequate representation of the indigenous peoples or the minor cultural groups in prohibiting the discriminatory practices that disable the indigenous peoples, communities or the members of such communities. The right to participate ensures respect of voices of diversity, of different cultures with different perspectives that further helps in improving the governance structures that affect and can improve the conditions and biocultural rights of the indigenous peoples.<sup>27</sup>

The right to participate promotes the voices and interests of the indigenous peoples in the decision making and strengthens the democracy, improves the quality of political life, prevents the conflicts and facilitates social integration. It further strengthens the traditional governance structures and traditional institutional framework of the indigenous peoples. Therefore, it ensures and strengthens the participatory and consultative process and activates indigenous peoples politically. The State should respect the right to participation, in order to engage the indigenous peoples in the collective decision making and ensure the representation of the indigenous peoples in the democratic process. The experience and views of the indigenous peoples should be respected, consulted and incorporated accordingly.<sup>28</sup>

The UN Declaration recognises the rights of the indigenous peoples over the traditional territories, forests, forests land and resources. The growing conflict among the indigenous and non-indigenous peoples over land, resources and territories is the core of major concerns. There are unrests among the indigenous communities, corporates and the government in matters related to the mining and economic and occupational interests of such communities. Article 32(2) says that the State shall consult, and take views of the indigenous peoples or their representative institutions to obtain the free, informed and prior consent for any development or mining project that affects their interests, or their territory or land. This Article is instrumental in setting minimum standards for resolving conflicts among the State, communities and corporations. Article 26 further highlights the indigenous people's rights over the land, resources and territories. They can possess such land, territories and resources on the basis of their historical acquisition. The Article further outlines that the State can establish legal right over such land, territories and resources by paying due consideration to their culture, customs and traditions and by obtaining the free, prior and informed consent of the indigenous peoples.<sup>29</sup>

The free, prior and informed consent is an integral and central part of the UN Declaration in protecting the biocultural rights of the indigenous peoples. Article 10 carries this provision. The word 'free' imply that there should not be any intimidation, coercion or manipulation in entering into any agreement or in encouraging the participation of the indigenous communities or member thereof. The word 'prior' implies that the information or the subject matter on which the consent is to be obtained is sought sufficiently in advance, in reasonable time. Before commencing any activity or authorisation of any project, the consultative process should have been followed with the indigenous peoples. The word 'informed' implies that the information provided to the indigenous peoples or representatives covers all the aspects of the subject matters such as size, scope, reversibility, nature of the activities to be carried, nature of the project and the duration of the project, locality, preliminary assessment related to the cultural, social, economic and environmental impacts of such project or activity, potential risk and loss of diversity.<sup>30</sup>



The participation and the consultation are recognised and considered as the core components of the process to obtain the consent of the indigenous peoples. The consultation process should be open, participatory, in good faith, respectful, favourable and in workable atmosphere. The UN Special Rapporteur of Indigenous Peoples designed the framework for the process to obtain the free, prior and informed consent from the indigenous peoples. It further stated that the States should follow their framework for obtaining the free, prior and informed consent from such indigenous societies as a part of consultation and participatory process with due consideration to their customary, traditional and cultural practices. The constructive arrangements, treaties, contracts or conventions should respect the consultative process.<sup>31</sup>

## **CONCLUSION**

The right to development empowers the indigenous peoples culturally and economically by giving them freedom in their occupational structures and to maintain their cultural uniqueness. The popular development model failed to recognise the cultural aspects and variety of the human life, rather, it promoted and imposed a specific modern culture that is morally and culturally not suitable to any of the communities and resulted in depreciated human life. The modern development model is also not culturally and environmentally sustainable along with being economically unviable. It also failed to take care of the deep rooted cultural and traditional indigenous and tribal societies. Under such circumstances, the right to development and self-determination empower the indigenous communities in deciding their future aspirations, taking care of their spiritual and cultural aspects in the development patterns. The indigenous peoples have the right to autonomy while they are exercising their right to development and right to self-determination in all the aspects, local, internal affairs, and in financial matters. The indigenous peoples have right to establish, administer and maintain their social and political institutions for the promotion of their economic and cultural interests. The social, economic and cultural rights of the indigenous peoples originate from their traditional societal and governance structures, the traditional practices they follow in their day-to-day life. The rights of indigenous peoples are collective in nature as they enjoy such rights at community level or group level. The promotion of the social, economic and cultural rights of the indigenous peoples by declaring the International Decade of the World's Indigenous Peoples from 1994 to 2005 is a landmark beginning in the development of the rights of the indigenous peoples at both, international level and international law. The decade was celebrated to honour the struggle, survival and success of the indigenous peoples while also remembering the victims during such struggle. The indigenous peoples' struggle lies in not accepting the popular development narrative of the colonialism. The strength of the indigenous peoples lies in their social and cultural uniqueness. The indigenous peoples strongly claimed their territorial right over their natural and ancestral resources after recognising the right to self-determination and right to development. The international customary law recognises the rights of the indigenous peoples with variation in their cultural and traditional values. The indigenous peoples are independent to establish and promote their cultural and traditional educational rights and their own linguistic, spiritual and cultural identities. Through exercising their right to self-determination with a wide range of social, cultural and economic rights, they are strengthening their own administration of justice.

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