

Committee: Social, Humanitarian and Cultural Committee

Issue: Increasing access to social protection benefits to indigenous societies

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PERSONAL INTRODUCTION

My name is Begüm Uğurlu. I study at the American Collegiate Institute as a 10th grader. I am sixteen years old and I live in Izmir, Turkey. I have been participating in MUN for three years now, I started in prep year when I got into my school, and I immediately fell in love with it. Since then, I have had the honor of being selected to participate in multiple international conferences. I value taking every session seriously because I believe that this is what differentiates a certain conference or a delegate/chair and at the same time allows the debate to flow better. However that does not mean that we cannot make the best use of our time to socialize with each other and have some great days full of fun and joy during these hard times.

This year, I find the issues that we are debating very crucial. I think the issue that I am the expert chair of requires attention given the fact that many nations are battling with the lack of social protection for indigenous societies. I believe that this issue should be handled not in a national perspective but be approached as a global issue that requires collaboration and cooperation. For that reason, I expect all our delegates to contribute to the debate and make the best use of their abilities for us to have a fruitful resolution on the issue. The executive team of ACGMUN and my dearest Co-Chairs hope that we'll have an unforgettable experience.

TOPIC INTRODUCTION

Indigenous societies, for years, demanded recognition of their cultures, traditions, identities and most importantly mother lands; however, they have only faced violence and their rights were never truly recognized. In today's world, the necessity of the measurements that should be taken to prevent any and all human rights violations that indigenous people may face has now been understood by the international community. One of the most important steps that should be taken is the inclusion of indigenous societies to the social life and the national programmes.



Girls of Dongaria Kondh, an 8,000-strong tribe of indigenous people in India, pictured in 2012.

Many countries supported by various organizations -both related to the UN and independent- have been intending to increase the access of indigenous societies to these social benefits one of which is most crucially social protection.

Internationally, social protection is a crucial development policy tool that does not only promote economic and social equality but also assuages social exclusion and poverty. Until now, without any and all present comprehensive and inclusive social protection programmes, only a few countries were able to alleviate poverty and improve economic and social conditions of its people by a distinguishable rate. Unfortunately, even though broad and extensive social protection programmes are present, some countries still battle with unemployment, poverty, and poor living conditions of certain groups, specifically ethnic minorities, immigrants, and indigenous people. Many crucial disadvantages are faced by these groups of people especially including equal access to proper education, affordable health care, and employment. Due to the fact that most indigenous people reside in rural areas rather than in-city districts, they face the consequences of living in these regions which are most of the time lack of sufficient social services and proper infrastructure. Unluckily, in cities, these groups of people live in areas where poverty and unemployment are most concentrated in the region and that only increase their exclusion and marginalization. These economic and social disadvantages limit the access of indigenous people to social protection whether or not the national law of a certain country does not discriminate against minorities or indigenous people.

The implementation of necessary development programmes, taking of crucial measurements and legislative actions are to be completed immediately in order to increase access to social protection benefits to indigenous people but most importantly promote social and economic equality for indigenous societies.

DEFINITION OF KEY TERMS

Indigenous People

Indigenous peoples are identified as inheritors of unique cultures; they are the descendants of those who inhabited a region at a time when many people from different cultures, and ethnicities arrived as well. They retain social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.

Social Protection

Social protection is a total coverage of certain policies and programmes that are needed to decrease the permanent consequences of exclusion and poverty. These

programmes assist families to access health care, quality and affordable education, food and other supplies regardless of their background, social class, or education/economic status in order to provide everyone a fair chance in life.

Indigenous Intellectual Property

Indigenous intellectual property is an umbrella legal term used in both international and national mediums to identify indigenous peoples' claims of collective intellectual property rights to protect specific cultural knowledge of their groups. The UN did involve in the issue by further declaring specifics regarding intellectual property also including cultural properties.

Indigenous Land Rights

Indigenous land rights are the rights held by indigenous people on natural resources and land that can be both collectively or individually, mostly in colonized countries. Land and resource-related rights have fundamental significance for indigenous societies since lands are valuable assets and also for multiple reasons including religious and economic factors.

Collective Rights

Collective rights, also known as “group rights”, are the rights held by a certain group rather than by its members individually or severally. The term “group” in the “group rights” is to signify the nature of the owner of the right rather than just to indicate that the rights are reserved for a group instead of a large scale society.

Intangible Cultural Heritage (ICH)

An intangible cultural heritage is either a representation, knowledge, practice, tradition, or skill recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to be part of a place's or societies' cultural heritage.

BACKGROUND INFORMATION

Indigenous People Around the World

According to the data gathered by the World Bank, there are approximately 476 million indigenous peoples worldwide, in over 90 countries. They make up over 6 percent of the global population and also account for around 15 percent of the extreme poor globally. Their life expectancy is almost 20 years lower than the life expectancy of non-indigenous societies worldwide. They occupy, use, or own almost a quarter of the world's surface area resulting in 80 percent of the world's biodiversity being safeguarded by them. Many governments and local authorities only recognize a few fractions of the land legally or formally belonging to Indigenous peoples even

though much of the areas occupied by those groups are under customary ownership. Indigenous peoples have resisted, cooperated with, or interfered with states and local governments - for centuries, since the time of their colonization in order to survive in their sovereign identities in their ancestral lands and distinct cultures. Even though most of the time they were recognized as foreigners by many governments, hundreds of treaties, legal instruments and agreements contributed to their recognition and mutual agreement between the governments and indigenous people in multiple states including Canada, Australia, United States, New Zealand, and other countries. Currently, many indigenous societies are dwindled since the settlers grew more dominant and governments are less inclined when it comes to recognizing their ownership over their lands and their sovereignty.

Indigenous Peoples and the COVID-19 Pandemic

Most indigenous peoples either reside in rural areas where the infrastructure and other services such as hospitals, pharmacies and related establishments are insufficient. For that reason, indigenous peoples have been heavily affected by the lack of social protection like they always have however specifically were given less attention during the pandemic. Because of their strong connections with their traditions and cultural heritage, they have significant ancestral expertise regarding how to lessen the risks that face nature. Especially in the context of the COVID-19 pandemic, any and all cooperation with the traditional authorities of indigenous peoples could've brought vital information regarding disease prevention and this collaboration should be used to provide those groups with necessary supplies and medicine in accordance with their cultures and priorities.

Policies and strategies to extend social protection to indigenous populations

One of the greatest problems regarding the policies taken on indigenous populations is the inefficiency of the existing labour legislation. Indigenous people often lack adequate access to government and organizations support regarding their formal and legal activities focusing on their income generation and enterprises. Unfortunately, in many countries, there is an evident lack of statistical information and data on indigenous populations in the labour market. Current data indicates higher unemployment, lower labour force contribution, and lower income than other dominant populations in the state. Countries such as the United States, New Zealand, Canada, and Australia have built programmes targeting indigenous groups; however challenges still remain regarding reducing the inequality faced by indigenous populations in the formal labour market.

Indigenous societies are one of the most vulnerable peoples to social exclusion, marginalization, and poverty. Since indigenous women and men often engage in informal work rather than formal work/economy, they lack coverage under

existing social security schemes and social protection systems. Even if they are covered, they most of the time don't meet the conditions for their entitlements or still unable to access sufficiently to social protection programmes. (e.g. due to lack of adequate infrastructure, geographical and linguistic barriers, etc.). The International Labour Organization (ILO) Social Protection Floors Recommendation, (No. 202), 2012, offers guidance for member states to make sure that indigenous populations benefit from at least fundamental social security guarantees, as a basic national social protection floor, in order to prevent or at least reduce poverty, social exclusion, and vulnerability. These guarantees and protections should ensure that every member of society has effective access to fundamental healthcare and to essential income security in order to secure sufficient access to necessary services and benefits.

Challenges in the Informal Economy

Indigenous populations are highly represented in the informal economy in a great range of sectors. This informality coexists with an increased vulnerability of indigenous peoples to any and all abuse of their labour rights and lack of social protection. In order to reduce informality, the legislation regarding labour and social protections should be improved. Government interventions could assist indigenous men and women to set up their own initiatives and enterprises. As employers of small and medium-size enterprises or companies, indigenous peoples must be able to access help for productivity enhancement. Indigenous peoples seek to have wage work and are often placed in jobs in the informal economy. Specifically, indigenous women are often engaged in low productivity activities which income is insufficient for them in order to reduce their poverty and insecurity. The informality in the labour market promotes undeclared work and absence of formal and legal contracts and employments. As a consequence of this informal sector, most indigenous people remain out of reach of the national labour law including social security. The root cause of this informal market and marginalization of the indigenous peoples could be defined as discrimination and social exclusion based on ethnicity and identity. Unequal access to proper education and training on certain skills, the non-recognition of their traditional knowledge and skills, and most importantly the insufficient access of indigenous people to market facilities need to be addressed.

Environmental Injustice

There have always been certain threats to indigenous societies- to their cultures, rights, and lands- and there were always effective incentives to marginalization, mobilization, though local and native communities fought against governments, companies, and other forces that posed threat to their assimilate them or drive them towards cultural depravity. In fights over environmental degradation, local ecological knowledge, land rights, climate change, sacred sites, food security, and more, indigenous groups embraced diverse approaches regarding environmental

justice. Environmental justice became an important structure for comprehending conflicts over environmental conditions and sacred sites on indigenous-owned lands.

Indigenous Rights and What They Cover

Indigenous rights exist in recognition of the definite conditions of the indigenous peoples. This includes not only the most fundamental of human rights such as physical survival and integrity, but also the rights over their territories, traditions, religions, languages, and other values that contribute to their cultural heritage. This could form a part of the national law, or the international law in order to protect the indigenous societies from violation of their rights by actions of local authorities, governments or even external parties. The claims and rights of indigenous peoples are understood and acknowledged differently, varying from government to government. Multiple organizations are present to promote common interests of indigenous societies. Their mission is to protect the rights of indigenous peoples and to prevent the imposing of ideas of states under terms such as “development” and “assimilation” The main cause of the problem is the interference of the state to indigenous peoples’ way of living in a disrespectful manner - as it’s recognized by indigenous groups- as well as the invasion of the ancestral lands of indigenous people that they claim rights over by external parties and other business with the hopes of using the natural resources in the region. Due to the fact that indigenous societies have close relationships with cultural and environmental settings, indigenous rights matters are linked with issues over environmental change and sustainable development. Indigenous rights belong to those who are defined as the original people of a territory that has been invaded or colonized by outsiders. Land and resource-related rights have fundamental significance for indigenous societies since lands are valuable assets but also for multiple reasons including religious and economic factors. Their collective rights also hold great importance in both national and international law along with other fundamental human rights including the right to survive both physically and culturally, which is held of great significance by indigenous societies.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Canada

In Canada, the term Indigenous people (or Aboriginal peoples) refers to First Nations, Métis and Inuit peoples who are the original inhabitants of the land that is now Canada. As of 2016, more than 1.6 million people in Canada are identified as Indigenous, making up 4.9% of the whole population. Even though the indigenous people are highly threatened and sometimes even exterminated by colonial forces, the Indigenous culture is what shaped the development of Canada and this culture continues to grow and thrive despite extreme exclusion and marginalization. The

whole indigenous population in Canada is protected by section 35 of the *Constitution Act, 1982*, which preserves indigenous rights. Many Indigenous groups and nations have signed treaties with the Crown, the sovereign of Australia. These agreements allow the use of Indigenous lands in exchange for annual payments, taxes, and/or other benefits. These treaties form the fundamental and constitutional basis of the alliance between indigenous peoples and the Canadian government.

United States of America (USA)

Indigenous people in the United States are mainly American Indian and Alaska Native people. The population of Indigenous people in the USA is estimated at between 2.5 and 6 million. 567 tribal entities were federally recognized, in May 2016, and most of these also had been recognized national homelands. Unfortunately, policies and approaches that reduce the tribal land rights and sovereignty of indigenous peoples have been multiplied under the Trump administration. All native tribes and nations in the US are heavily affected by climate change, and the policies of the US on climate change affect not only the American Indians and Alaska Native people but also indigenous people all around the world.

China

The indigenous people in China are referred to as "minority nationalities" because of their official status in the Chinese administrative structure. Officially, China is made up of 56 nationalities: the dominant nationality, the Han, and the rest of the population is divided into 55 official "minority" nationalities/ethnicities that are mostly residing around the borders.



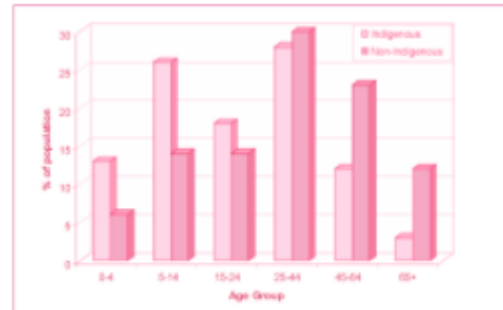
An image from a Uyghur re-education camp in Xinjiang

An active state-sponsored programme supports these official minorities and aims to advance their economic development. The concentration of millions of Uyghurs of China's Xinjiang Uyghur Autonomous Region (XUAR) in the re-education camps across the north-western region has brought global attention even though many from the international community did not respond to these human rights violations. It is believed that the Chinese government has detained up to a million Uyghur people over the past few years in "re-education camps". The Chinese government is also accused of a programme of forced sterilization against Uyghur women. China initially denied the presence of these camps, however later declared that they were a necessary measure against separatist violence in Xinjiang and the assimilation and prevention of these groups but denied carrying out forced sterilizations. It is said that

over the years, central government policies have gradually abridged the Uyghur’s cultural and religious activities, since large numbers of groups of majority Han Chinese populations have been encouraged to move to the region.

Australia

Australia’s first people—known as Aboriginal Australians—have lived on the continent for over 50,000 years. Aboriginal Australians are split into two groups: Aboriginal peoples and Torres Strait Islander peoples. The Australian Branch of the International Law Association (ILA) has established an Indigenous Rights Committee. This committee collaborated with the Human Rights and Equal



Percentage of population of Aboriginals and Torres Strait Islander Peoples in Australia

Opportunity Commission (HREOC) to assemble a series of three seminars on issues concerning the international law implications of Indigenous matters. In New Zealand, the employment rate of Māori decreased 5.8 % from 62.0% in 2008 to 56.2% in 2013, though the total population stood at 63.4%. In Canada, the unemployment rate for indigenous peoples stood at 11.1% and 12.0%, respectively, in 2013, while the overall unemployment rate for women as 6.8% and that of men 7.7%. In Australia, the employment to population ratio for indigenous men increased by 2% to 52% in 2011, while for indigenous women it fell to 41%. Overall unemployment for indigenous Australians stood at 16% the same year, compared to 5.2 % for the Australian population as a whole in 2011.

Russian Federation

There are more than 100 identified ethnic groups in Russia. 41 of those are legally recognized as “Indigenous small-numbered people of the North Siberia, and the Far East.” These are the only groups that are protected by the law as indigenous people and meet the requirements of being a part of those peoples. More specifically, a group of people must be fewer than 50,000



An image of a nomadic tribe in Northern Siberia

people, identify as a distinct ethnic group, inhabit certain areas of the country, and maintain a traditional way of life. In addition, there are 24 larger ethnic groups that are identified as national identities. These groups reside in independent states or autonomous areas in Russia, but don’t have specific protections under the law. Russia

has not ratified ILO Convention 169. , but indigenous people are protected under Article 69 of the Russian Constitution. The development of the legislations and the implementation of protective regulations are not enforced sufficiently and are often not adequately enforced or are complicated by government decisions regarding the use of natural resources in the North. As of today, there are 70 places of potential conflict between local groups and extractive projects such as nickel mining in sacred sites. In July 2012, Russia passed a law targeting non-profits that accept foreign funding and participate in “political” activities such as indigenous rights as “foreign agents,” subjecting many Indigenous organizing groups to more legal obligations. In November 2012, the government suspended the activities of the Russian Association of Indigenous Peoples of the North (RAIPON).

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)

The Expert Mechanism functions as an advisor for the Human Rights Council of indigenous people. It also cooperates with member states to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

United Nations Permanent Forum on Indigenous Issues (UNPFII or PFII)

The UNPFII is the UN's central body for issues related to the rights and problems of the world's indigenous peoples. The forum functions as an advisory body within the framework of the UN System that reports to the UN's Economic and Social Council (ECOSOC). The creation of a permanent forum like this was discussed at the 1993 World Conference on Human Rights in Vienna, Austria. The Vienna Declaration and Programme of Action recommended that such a forum should be established within the first United Nations International Decade of the World's Indigenous Peoples. A working group was formed and multiple other meetings took place that led to the establishment of UNPFII by ECOSOC Resolution 2000/22 on 28 July 2000. The mandate and purpose of the forum is basically to discuss matters and concerns of indigenous societies related to their social and economic developments, and fundamental rights. The forum works in order to provide expertise and suggestions to the ECOSOC and other programmes and agencies of the UN System, to raise awareness and advance the coordination and the unification of any and all activities regarding the indigenous matters within the UN, and to arrange and gather information on these matters.

International Labour Organization (ILO)

The International Labour Organization (ILO) has been one of the most active organizations regarding the inclusion of indigenous peoples to the economic life and promoting their social and economic rights. The ILO is responsible for the two international instruments exclusively focused on indigenous peoples: the Indigenous

and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

United Nations Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR Indigenous People and Minorities Section (IPMS) works to improve the protection of the rights of the world’s indigenous people and minorities at both international and national levels through strategies such as but not limited to: improving already existing legislations if not adding developments, strengthening relevant policies and frameworks, and working in collaboration with both governments and Non-Governmental Organizations (NGOs) in order to promote the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other key human rights instruments.

United Nations Working Group on Indigenous Populations

The Working Group on Indigenous Populations (WGIP) is a body within the UN, established in 1982 as one of the six working groups overseen by the Sub-Commission on the Promotion and Protection of Human Rights, with the founding purpose of “reviewing developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples” as well as “giving attention to the evolution of international standards concerning indigenous rights.”

TIMELINE OF EVENTS

Date	Description of the Event
1982	The Working Group on Indigenous Populations (WGIP) was established as a subsidiary organ to the Sub-Commission on the Promotion and Protection of Human Rights.
1989	The Indigenous and Tribal Peoples Convention, 1989 (No. 169), the only international treaty open for ratification that deals exclusively with the rights of these peoples.
18 December 1990	A/45/164 was adopted by the UN General Assembly.
July 2000	The UN Permanent Forum on Indigenous Issues was established.

2001	The Commission on Human Rights decided to appoint in 2001 a Special Rapporteur on the rights of indigenous peoples, as part of the system of thematic Special Procedures.
2007	The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) was established by the UN Human Rights Council, in 2007 under Resolution 6/36 as a subsidiary body of the Council.
September 13, 2007	The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly.
22-23 September, 2014	The World Conference on Indigenous Peoples took place.

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Indigenous and Tribal Peoples Convention (ILO Convention no.107), 1957

The Indigenous and Tribal Populations Convention No. 107 is no longer open for ratification, but remains in force for 18 countries. Convention No. 107 was innovative; it referred to these groups as “less advanced” endorsing an assimilationist approach. By the 1980s, the Working Group on Indigenous Populations had been established in order to function as a medium for indigenous peoples to express their problems and views. After years of its adoption, the limitations of the convention became evident and indigenous societies themselves called for new international instruments.

Indigenous and Tribal Peoples Convention (ILO Convention no.169), 1989

The Indigenous and Tribal Peoples Convention, 1989 (No. 169). Convention No. 169 has been ratified by 18 countries and is internationally recognized as the foremost instrument on the subject. The convention approaches the issue by recognizing that the cultures and institutions of indigenous and tribal people should be respected, and promotes their rights to continue their presence within their national societies and to determine the path of their own development. ILO Convention No. 169 calls for governments for consultation with the societies regarding legislations and measurements that may have a direct effect on them in order to further establish the rights of these groups of people to participate in any and all decisions regarding the policies upon the indigenous people and their rights.

UN Declaration on the Rights of Indigenous People (UNDRIP), 2007

The Declaration is the most comprehensive and inclusive declaration regarding the rights of indigenous people giving recognition and distinction to collective rights in international human rights law. The adoption of this statement is a clear indication of the efforts of the international community regarding the protection of both the individual and collective rights of indigenous societies



The New Zealand delegation, including Māori members, endorses the United Nations Declaration on the Rights of Indigenous Peoples in 2010.

United Nations General Assembly Resolution A/45/164

Resolution 45/164 was adopted by the UN General Assembly on 18th of December, 1990, declaring that 1993 would be the International year for the World's Indigenous People "with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in areas such as human rights, the environment, development, education and health".

World Conference on Indigenous People, 2014

The first World Conference on Indigenous Peoples was held on 22-23 September 2014. The conference functioned as an opportunity to exchange the best policies and practices regarding the recognition of the rights of indigenous peoples, including pursuing the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The matters of indigenous societies have been addressed many times by the international community via treaties and constitutions and improvement of the international law. ILO Social Protection Floors Recommendation, (No. 202), 2012, offers guidance for member states to make sure that indigenous populations benefit from at least fundamental social security guarantees, as a basic national social protection floor, in order to prevent or at least reduce poverty, social exclusion, and vulnerability. However, on a national scale, many legislation of member states remained inadequate because the rights of the indigenous peoples have conflicted with the benefits of the natural resources of their homelands aimed by the governments. Many countries have not followed the purposes and implications of the conventions and international agreements that focus on protecting the rights of the

indigenous societies, for that reason these instruments remain ineffective. Additionally, many states went in another direction by forming mutual agreements and benefits between local indigenous groups and governments and yet the relations later worsened due to conflicting benefits. Since the 1980s, improvements regarding the social protection programmes and their inclusivity have been significant and yet today, they still remain inadequate when it comes to providing equal access to every citizen.

POSSIBLE SOLUTIONS

Abiding by international instruments

National social protection floors, according to Recommendation No. 202, must be established as a fundamental element of countries' national social security systems; and should be implemented within the policies of social security programmes in order to ensure the access of as many indigenous peoples as possible. The ratifications of the conventions on indigenous peoples' matters by member states that have not yet ratified should be the priority of the delegates. For that reason, delegates should prioritize the implementation of those instruments on a national scale by the member states and ensure that every member state has developed each of their social protection programmes and policies regarding indigenous peoples in accordance with those conventions.

Economic aspect

In their resolutions, delegates should first strive to recognize the major setbacks of the solution. This can be either conflicting purposes or benefits of the external parties and companies or complicated approaches of the governments due to the benefits that may come from the lands owned by the indigenous societies. This situation should also be handled on a minor level with the aims of improving the services and infrastructure of the real areas where indigenous people do not have adequate access to social protection and other goods and services. For that reason collaborations for monetary purposes and funding are crucial as well as the inspections and gatherings of necessary data regarding the issue.

Improving national law

The key elements of embracing inclusive approaches include unity of social protection policies and prescription of entitlements to benefits by national law. Non-discriminative national legislations are the key to the solution as well as solidarity in the international law regarding indigenous peoples' matters. This can be achieved either through international standards for legislations regarding indigenous people or

if interference in internal affairs of a member state should be refrained, then through development of already existing laws and programmes focusing on indigenous rights.

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