



Indigenous Peoples and the Environment

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ABSTRACT

Indigenous peoples' spiritual and cultural beliefs revolve around nature and environment, confirming their profound connection to nature. These societies worship nature, mountains, rivers, and woods in their metaphysical and corporeal rites. Thus, Indigenous people view development differently than pro-developing organizations, which expel them from their areas and degrade their cultural importance. Indigenous Peoples are disproportionately affected by the loss of biodiversity and environmental degradation. Preserving Indigenous cultures is vital for the prosperity of biodiversity, as they have successfully upheld biodiversity for thousands of years. This study examines the involvement of Indigenous communities in environmental conservation and emphasizes how their lifestyle contributes to the long-term preservation of the ecosystem.

Keywords: Indigenous Peoples, Environment, Conservation

I. Introduction

Indigenous Peoples are not formally defined in international law. Indigenous Peoples, by one definition, are people who inhabited their territories prior to colonial powers claiming them through dubious legal theories of occupancy, conquest, or other methods. Dependency was created, tyranny and eviction followed from this. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)'s Article 3 lays forth for Indigenous Peoples the right to self-determination as the international remedy to colonization. Currently, there are around 476 million Indigenous Peoples who encompass a multitude of languages and cultures. Indigenous territories comprise approximately 20% of the Earth's surface area and harbours 80% of the planet's surviving biodiversity, indicating that Indigenous Peoples are the most proficient guardians of the environment. Indigenous Peoples have long practiced sustainability, in stark contrast to concepts of private ownership, privatization, and development that have resulted in climate change, pollution, land degradation, and biodiversity loss.

Indigenous people have faced persistent challenges in asserting their identities, lands, territories, and natural resources over the course of history, with their rights consistently violated. In 1923, Chief Deskaheh of the Haudenosaunee people in North America made an attempt to advocate for the rights of his people before the League of Nations in Geneva. However, his request was rejected. His unwavering determination garnered the admiration of both his own community and others. In 1925, T.W. Ratana, a prominent Maori leader from New Zealand, journeyed to London with the purpose of presenting a formal request to King George V about the Treaty of Waitangi. However, his petition was ultimately rejected. In 1925, he made an attempt to address the League of Nations, but once again, he was refused the opportunity. Consequently, the rights of Indigenous peoples have been consistently ignored and taken advantage of for thousands of years. Indigenous people can be considered the most impacted, disadvantaged, and susceptible demographic. Over time, it became necessary for the UNIRDP to acknowledge and safeguard the rights of Indigenous tribes and preserve their distinct cultures and customs.

The contemporary definition of Indigenous identity is determined by various factors. One important factor is the act of identifying oneself as Indigenous and being acknowledged and accepted by the community as a member. The recognition of this fact is widely accepted, as evidenced by its inclusion in several authoritative sources such as the International Labour Organization Convention No. 169, the Committee on the Elimination of Racial Discrimination, and Article 33 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UN General Assembly in 2007. Additional crucial factors for determining Indigenous status encompass a robust connection to specific lands and resources, as well as unique social, economic, or political structures.

During the First International Conference of Indigenous Peoples in 1975 in Port Alberni, British Columbia, Canada, the Indigenous representatives made the collective decision to use the name "Indigenous Peoples" as their official designation in international contexts. After the adoption of Solemn Declaration 1975 and years of strong advocacy in the international sphere, the term "Indigenous Peoples" has become widely accepted at the United Nations. Their right to self-determination is now recognized not only in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), but also in numerous other international human rights treaties and agreements on environmental issues.

Indigenous populations worldwide hold a profound respect and admiration for the land, natural resources, customs, and ceremonies. The United Nations has recognized this issue, leading to the official adoption of the Declaration of Human Rights of Indigenous Peoples by the General Assembly on 13 September 2007. The Martinez Cobo Study, conducted by Special Rapporteur Jose Martinez Cobo, focused on the problem of Discrimination against Indigenous Populations. The utilization of this study followed more than two decades of debate. The 46 Articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) highlight the importance of upholding the rights of indigenous peoples to live with respect, preserve their cultural heritage, and strive for self-determined advancement and growth.

The indigenous people are distinct from the rest of the population due to their unique culture, customs, language, and their reliance on the land and natural resources for survival. When considering the collective presence of indigenous peoples, it becomes evident that nature plays a crucial role in their existence, and this relationship is reciprocal, regardless of the vast diversity among indigenous communities worldwide. It is important to emphasize some characteristics that are shared by these individuals and their struggle.

II. Indigenous Population by Region and their way of Life

The Indigenous People make up around 6.2% of the global population, which is over 476 million people. They also represent 19% of the population living in poverty. The indigenous people are distinct from the rest of the population due to their unique culture, customs, language, and their dependence on the land and natural resources for survival. The collective assimilation of indigenous peoples reveals that environment plays a crucial role in their existence, and vice versa, despite the vast diversity among indigenous communities worldwide. It is important to emphasize some characteristics that are shared by these individuals and are relevant to their fight.

Table 1

REGION	POPULATION IN MILLIONS
China	106.40
South Asia	94.90
Former Soviet Union	0.40
South East Asia	29.84
South America	16.00
Africa	21.98
Central America/Mexico	12.70
Arabia	15.41
USA/ Canada	3.29
Japan/ Pacific Islands	0.80
Australia/ New Zealand	0.60
Greenland/ Scandinavia	0.12
Total	302.45

Source: Hall and Patrinos 2012

It is worth mentioning that a significant number of these Indigenous individuals live a partially nomadic lifestyle, frequently engaging in hunting, gathering, and farming activities. The land and forest hold great significance as a representation of their own being. Their traditional and ecological knowledge not only facilitates survival in challenging conditions but also plays a crucial role in the preservation of biodiversity, enabling them to live in a sustainable manner.

A case study conducted by Gonzalo Oviedo for the World Wildlife Fund (WWF) demonstrates a strong correlation between regions rich in ecological diversity and regions rich in cultural diversity. Based on the study, over 80% of the 200 eco-regions across the globe are populated by one or more indigenous communities. Nevertheless, these regions are currently grappling with challenges related to the decline in biodiversity and the impact of climate change, both of which are consequences of the industrialized global economy and the extraction of natural resources. Several Indigenous territories have transformed into areas of high biodiversity. The preservation and safeguarding of biodiversity is deeply ingrained in their existence and is seen as sacred and indispensable to their identities and traditions. The WWF's Living Planet Report (LPR) 2022 emphasizes that achieving a nature-positive future necessitates acknowledging and honouring the rights, governance, and conservation leadership of Indigenous Peoples and local communities worldwide.

III. Environment

The environment is crucial for the survival of life on Earth. The term "Environment" is derived from the French word "Environ," which translates to "surrounding." An ecosystem encompasses both biotic (living) and abiotic (non-living) components within a given habitat. It serves as the fundamental building block of the Biosphere, exerting a significant influence on the overall well-being of planet Earth. The Environment (Protection) Act, 1986 defines the environment as encompassing water, air, and land, as well as the interconnectedness between these elements and human beings, other living organisms, plants, microorganisms, and property. Preserving the environment is ingrained in our cultural beliefs and customs. In Atharvaveda, it has been said that *"Man's paradise is on earth; this living world is the beloved place of all; It has the blessings of nature's bounties; live in a lovely spirit."*

The Earth is a pristine and ideal place for us, and it is our responsibility to safeguard it. Connecting the Human Rights and Environment is a great resource that delves into the unexplored realm that exists at the intersection of environmental and human rights laws. Humans have the ability to guarantee basic equality and satisfactory living conditions in an environment that allows for a life of dignity and well-being. Advancing the link between human rights and the environment would facilitate the integration of human rights concepts into environmental considerations, including anti-discrimination measures, the importance of social engagement, and the safeguarding of vulnerable populations.

IV. Indigenous Peoples and their relationship with Environment

Indigenous populations inhabit every continent, spanning from the Arctic to the Pacific, encompassing Asia, Africa, and the Americas. Throughout the course of ages, the connection between indigenous communities and their surroundings has gradually deteriorated due to the act of being deprived of or forcibly relocated from their ancestral territories and sacred locations. Indigenous peoples worldwide continue to face significant challenges around land rights, land usage, and resource management. Indigenous peoples are still being displaced by development projects, mining and forestry activities, and agricultural schemes. The environmental impact has been significant, resulting in the extinction or endangerment of various flora and fauna species, the destruction of unique ecosystems, and severe pollution of rivers and other water catchments. The proliferation of commercial plant types has displaced numerous locally adapted kinds employed in traditional farming systems, resulting in a surge in the adoption of industrialized agricultural technologies. The Working Group on Indigenous Populations initiated a research of indigenous peoples and their rights to land in 1997. The study verified that the availability of land and resources is essential for the survival of indigenous populations. The statement highlighted the need of acknowledging and safeguarding the land rights of indigenous communities. It also called on governments to engage in consultations with indigenous peoples regarding the management of land and natural resources.

Prior to the arrival of other groups, numerous indigenous populations inhabited various regions and have since maintained unique cultural and political attributes. These include independent political and legal systems, as well as a shared history of subjugation by non-indigenous groups. Additionally, they possess a deep and enduring connection to their lands, territories, and resources, even when engaging in nomadic lifestyles. But the legal status of indigenous peoples differs from that of minorities who live in their respective states. Minorities and indigenous peoples share certain rights according to international law, however the United Nations Declaration on the Rights of Indigenous Peoples is probably more extensive than international legal instruments pertaining to minorities. In resolution 65/198 of 21 December 2010, the General Assembly made the decision to arrange a high-level plenary meeting called the World Conference on Indigenous Peoples. The purpose of this conference is to exchange viewpoints and successful methods regarding the achievement of indigenous peoples' rights, including the pursuit of the goals outlined in the United Nations Declaration on the Rights of Indigenous Peoples. The World Conference took place on September 22, 2014, and continued into the afternoon of September 23, 2014, in New York. The final paper was produced through inclusive and open informal consultations with Member States and indigenous peoples, resulting in a compact and action-oriented text. Hence United Nations Permanent Forum on Indigenous Issues states that the Indigenous Peoples have *"historical continuity or association with a given region or part of a given region prior to colonization or annexation; identify themselves as indigenous and be accepted as members by their community; have strong links to territories, surrounding natural resources and ecosystems; maintain at least in part, distinct social, economic and political systems; maintain, at least in part, distinct languages, cultures, beliefs and knowledge systems; are resolved to maintain and further develop their identity and distinct social, economic, cultural and political institutions as distinct peoples and communities; and often form non-dominant sectors of society."*

Indigenous Peoples are particularly affected by the loss of biological diversity and environmental degradation due to their reliance on subsistence economies and deep spiritual connection to their lands and territories. Environmental degradation, large-scale industrial activities, toxic waste, conflicts, forced migration, and land-use changes (such as deforestation for agriculture and extractives) pose threats to their lives, survival, development chances, knowledge, environment, and health conditions. Climate change worsens these difficulties even further. Biofuel programs might exacerbate the threat to Indigenous Peoples' territories and coping techniques, instead of providing assistance. Although biofuel initiatives aim to decrease greenhouse gas emissions, they can have adverse effects on the ecosystems, water supply, and landscape that Indigenous Peoples rely on. This can result in an expansion of monoculture crops and plantations, leading to a decline in biodiversity as well as food and water security.

Conversely, when the rights of Indigenous Peoples are safeguarded, including their rights to land, territory, and resources, both their culture and nature flourish. Indigenous peoples have a vital role in safeguarding biodiversity and are essential participants in advancing sustainable development and land management. The loss of land and resources poses a significant risk of cultural identity, social environment, and personal integrity being completely wiped out. Indigenous peoples are being compelled to abandon their homes due to the escalating exploitation of natural resources, which is driven by the need to satisfy both local and global consumption. This exploitation is carried out in order to achieve the government's goals of executing large-scale

projects, establishing conservation areas or parks, or implementing extractive activities. Populist leaders endorsing such policies contribute to the confiscation of land and worsen the difficult situation faced by indigenous groups. An illustration of this can be seen in the extensive removal of trees in the Amazon region under Jair Bolsonaro's presidency. Bolsonaro, asserting that Brazil's environmental policy was impeding the nation's progress, pledged throughout his campaign that Indigenous people would not receive any land allocation. The increasing number of renewable energy projects in Kenya presents a significant risk to the traditional lands of indigenous communities. These projects occasionally require people to move to a new location and provide them with little compensation, as demonstrated by the Lake Turkana Wind Power Project. Indigenous populations globally have employed strategies of self-governance, mobilization, lobbying, and legal support to protect their territories.

However, their articulation of these demands and rights has occasionally been greeted with extreme violence and even murder. Indigenous leaders and human rights activists, who are pushing for the preservation of their land rights, are depicted as a threat to the economic development and growth of their country. They are categorized as government rivals, subjected to abuse as criminals or terrorists, and often exposed to lethal assault. In the same vein, there have been countless individuals who have ardently advocated for the rights and well-being of Indigenous people. Chico Mendes, for example, committed himself to conserving the Amazon rainforest and met a tragic end when he was assassinated by a rancher on December 22, 1988. Similarly, Vicente Canas from Brazil, Fernando Pereira from New Zealand, and Ken Saro Wiwa from Nigeria all faced comparable animosity.

V. Indigenous Peoples' Participation in Conservation of Biodiversity

The 1992 Convention on Biological Diversity (CBD) acknowledges the importance of Indigenous Peoples in achieving the goals of the agreement. According to Article 8(j) of the CBD, parties have agreed to uphold, protect, and sustain the knowledge, innovations, and practices of Indigenous Peoples that are important for conserving biological diversity. They also aim to promote the broader use of this knowledge with the consent of those who hold it, and to ensure fair sharing of the benefits that come from using biological diversity. The formation of the CBD Working Group on Article 8(j) and Related Provisions in 1998 was a direct outcome of the powerful and successful advocacy of Indigenous Peoples. The CBD has implemented several significant voluntary guidelines as part of its efforts to fulfil the commitments outlined in Article 8(j).

- Akwé: Kon Voluntary Guidelines for Developments on or near sacred sites, as well as on land and water that have been used or occupied by indigenous and local communities for a long time, should be subject to cultural, environmental, and social impact assessments following certain protocols.
- Tkarihwaí:ri Code of Ethical Conduct for Ensuring Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities
- Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation, or other appropriate initiatives to ensure the "prior and informed consent," "free, prior and informed consent," or "approval and involvement," depending on national circumstances, of Indigenous Peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations, and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge.
- Rutzolijirisaxik Voluntary Guidelines for the repatriation of traditional knowledge relevant for the conservation and sustainable use of biological diversity.

The goal of these principles is to provide a cooperative framework that will allow local communities and indigenous peoples to fully participate in evaluating the social, environmental, and cultural impacts of proposed initiatives. Also included are suggestions for how to encourage the use of suitable technology while also incorporating traditional knowledge, ideas, and practices into impact assessment procedures. The adoption of the Nagoya Protocol 29 October 2010 on Access and Benefit-sharing marked a significant achievement in acknowledging the inherent connection between genetic resources and Indigenous knowledge, as well as the corresponding rights. The Protocol is the inaugural multinational environmental pact that includes significant clauses for Indigenous rights. The provision mandates that Indigenous Peoples must give their prior informed consent (PIC) in order to access traditional knowledge and its associated genetic resources. Moreover, if such access is provided, it is essential to ensure a just and equitable distribution of advantages. Nevertheless, there are persistent challenges in integrating the knowledge and viewpoints of Indigenous Peoples into the environmental field, as evidenced by the interactions at the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). The IPBES established a task force with a specific focus on Indigenous and local knowledge systems, techniques, and approaches, with the aim of reducing the disparity between scientific and indigenous knowledge. The objective of this task force is to recognize and cooperate with Indigenous and local knowledge in all evaluations conducted by IPBES, with a specific focus on the sustainable utilization of wild species, the significance of nature, and its administration. However, IPBES encounters obstacles in achieving its objectives due to the influence of those who uphold Western scientific views.

Hence, the survival of Earth's rich biodiversity depends on the work of indigenous peoples. Many indigenous communities are fighting back against the forces that are causing the environmental catastrophe on a worldwide scale. During the 2021 Glasgow Climate Change conference, for example, a few Indigenous women brought attention to the fact that Indigenous peoples' efforts to combat climate change had been more effective than those of the government.

VI. Conclusion

The traditional wisdom and knowledge systems of Indigenous Peoples play a crucial role in the development of a sustainable future for everyone. International environmental discussions should move beyond superficial inclusion of Indigenous Peoples and strive for a meaningful incorporation of their worldviews and expertise. The International Labor Organization (ILO) Convention No. 169 and the UN draft Declaration on the Rights of Indigenous Peoples both acknowledge the entitlement of indigenous peoples to engage in the utilization, administration, and preservation of natural resources. The preliminary Declaration stipulates the entitlement of indigenous communities to possess ancestral territories and oversee the preservation of their surroundings and its natural assets. Since the Earth Summit in 1992, there has been a sustained increase in attention about the rights of indigenous peoples and the environment. Both indigenous and non-indigenous individuals are becoming more cognizant of the fact that traditional territories and natural resources play a crucial role in the economic and cultural preservation of indigenous communities. Several countries, including Canada, Australia, Finland, Brazil, and the Philippines, have implemented legal measures that recognize indigenous land rights or have developed legal frameworks for indigenous involvement in land-related matters. An increasing number of governments have modified their national Constitutions to acknowledge the inherent rights of indigenous peoples to inhabit, possess, and oversee their customary lands and territories. A significant number of nations have formed dedicated Environment Ministries and formulated comprehensive national Environment Policy Statements and Strategies. While several governments now engage in discussions with indigenous communities over land rights and environmental matters, numerous States have yet to enact legislation or policies that address indigenous land claims or encourage the involvement of indigenous peoples.

It is crucial to uphold and advance their communal entitlements to their territories, autonomy, and agreement in order to enhance their capacity as guardians of the environment and catalysts for transformation. The involvement of Indigenous Peoples is crucial in formulating and executing solutions for ecosystems. Traditional knowledge and legacy can enhance environmental evaluations and promote sustainable ecosystem management. For instance, the sustainable production and use of native and customary food offer significant advantages for natural resources and ecosystems, promote a sustainable and more nutritious diet, and aid in the mitigation of climate change. Ensuring the acknowledgment of the Indigenous Peoples' entitlement to self-determination is crucial for safeguarding their customs, as well as their unique social, cultural, economic, and political attributes that differ from those of prevailing authorities. Indigenous Peoples possess distinct knowledge systems and practices that are crucial for the sustainable management of natural resources. Many individuals have a unique connection with the environment, the land, and all forms of life. Within this framework, the Western viewpoint of land, natural resources, and nature diverges substantially, perceiving them as commodities that are subject to commercial transactions.

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