



## International Journal of Research Publication and Reviews

Journal homepage: [www.ijrpr.com](http://www.ijrpr.com) ISSN 2582-7421

### A Study on Analysing the Protection of Indigenous Cultural Heritage in International Perspective.

**Mohamed Abubucker Siddique**

BBA.L.L.B.(hons) 5th Year, Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS)

Mail ID: [mabubucker15@gmail.com](mailto:mabubucker15@gmail.com)

---

#### ABSTRACT:

The aim of the study is to examine the evolution, effectiveness, and challenges of Indigenous cultural heritage protection in an international context and comparing the global legal frameworks with India's policies. In India, Adivasis, whose origins date back over 50,000 years, developed distinct languages and traditions but faced displacement with Indo-Aryan migrations and later pressures from the Mughals and British. Today, around 700 recognized tribal communities in India strive to uphold their heritage amid ongoing socio-political changes. The objective To examine the evolution of international legal frameworks protecting Indigenous cultural heritage, To analyze the effectiveness of global and regional mechanisms in safeguarding Indigenous cultural heritage and today identify challenges and propose recommendations for strengthening international legal protections for Indigenous cultural heritage, considering factors such as globalization, land rights, and Indigenous self-determination. The methodology used was empirical method study and sample size is 213. The findings analyze that Indigenous cultural heritage protection is still a multifaceted global issue, marked by enormous legal, social, and economic hurdles. The Major findings confirm ongoing threats to Indigenous peoples, such as language loss, land loss, and socio-economic exclusion. In spite of progressive international instruments such as UNDRIP, implementation is uneven, with limited success in safeguarding Indigenous rights. In conclusion, the study finds that effective Indigenous cultural heritage protection necessitates a holistic approach that values the intrinsic worth of Indigenous knowledge systems, rectifies historical injustices, and establishes meaningful avenues for cultural continuity and self-determination.

**KEYWORDS:** Indigenous, FPIC, international relations, tribal, Adivasi

---

#### Introduction:

Indigenous peoples are distinct social and cultural groups with collective ancestral ties to specific territories, characterized by unique languages, traditions, and a strong connection to their ancestral lands. Representing approximately 5% of the global population (around 476 million people across 90 countries), they maintain diverse cultural identities and have historically experienced marginalization and displacement. Despite challenges, Indigenous communities continue to preserve their distinctive social, economic, and cultural systems, self-identifying as unique groups with deep historical roots predating colonial interventions.

#### *Aim:*

The aim of the study is to examine the evolution, effectiveness, and challenges of Indigenous cultural heritage protection in an international context and comparing the global legal frameworks with India's policies.

#### *Objectives:*

To examine the evolution of international legal frameworks protecting Indigenous cultural heritage, To analyze the effectiveness of global and regional mechanisms in safeguarding Indigenous cultural heritage and today identify challenges and propose recommendations for strengthening international legal protections for Indigenous cultural heritage, considering factors such as globalization, land rights, and Indigenous self-determination.

#### *Evolution of the study:*

Indigenous societies have a rich heritage spanning tens of thousands of years, with Aboriginal Australians living in their lands for at least 65,000 years and Indigenous North Americans migrating from Asia around 15,000 years ago. Despite the disruptions caused by European colonization, many Indigenous groups have preserved their cultural identities and continue to assert their rights. In India, Adivasis, whose origins date back over 50,000

years, developed distinct languages and traditions but faced displacement with Indo-Aryan migrations and later pressures from the Mughals and British. Today, around 700 recognized tribal communities in India strive to uphold their heritage amid ongoing socio-political changes.

### ***Government initiatives:***

The international recognition of Indigenous cultural heritage has evolved significantly through various legal instruments and policies. The UN Declaration on the Rights of Indigenous Peoples (2007) affirms their right to preserve and protect their heritage, while the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage highlights the need to protect local traditions from globalization. Early frameworks like the 1954 Hague Convention and the 1972 UNESCO World Heritage Convention initially overlooked Indigenous rights, but activism in the 1990s, including the International Decade of the World's Indigenous People (1995–2004), led to increased recognition. UNESCO has since integrated Indigenous perspectives into its policies, and recent agreements like the Escazú Agreement (2021) and UN reports continue to emphasize Indigenous heritage in relation to environmental and human rights. Several Indigenous communities have successfully preserved their cultural identities despite the impacts of colonization. The Navajo Nation (USA) maintains its language, customs, and self-governance, while the Inuit (Canada) uphold traditions like hunting and oral storytelling, gaining political recognition through land agreements. The Sami (Northern Europe) continue reindeer herding, protected by legal safeguards in Norway and Sweden, and the Maasai (East Africa) sustain their nomadic lifestyle despite modernization pressures. The Hawaiian people have actively revived their language and traditions after colonial suppression. These communities exemplify resilience through cultural preservation and legal recognition of their rights.

**Major factors** that affects the cultural diversity and people of indigenous culture are environmental degradation, land dispossession, and socio-economic marginalization. Colonization has in the past disrupted their customary ways of life, causing loss of land and resources critical to cultural activities. Climate change accelerates these difficulties, posing risks to livelihoods and health. Moreover, discriminatory policies frequently prevent Indigenous people from accessing education, healthcare, and political participation, entrenching poverty and inequality. The extraction of natural resources without consent undermines further their rights and cultural integrity, while intergenerational trauma arising from historical injustices persists to affect community wellbeing and identity.

**Current trends:** The current situation of Indigenous peoples around the world and in India represents continuing challenges and struggles towards cultural retention and rights assertion. Worldwide, Indigenous peoples, constituting some 5% of the world population, experience massive threats to their languages and cultures, with estimates indicating that half of the world's nearly 7,000 languages could vanish by 2100, largely Indigenous languages. In spite of these challenges, initiatives such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and global conferences seek to empower Indigenous voice and safeguard their heritage. In India, some 700 officially recognized tribal groups continue to deal with socio-economic exclusion while working to preserve their cultural identities amidst rapid modernization and environmental degradation. The government has enacted multiple policies aimed at safeguarding Indigenous rights, yet dispossession and discrimination continue to pose problems, requiring continuing advocacy for increased recognition and support.

**Comparison:** Comparison of legislation and treaties for Indigenous peoples highlights striking differences between international policies and India's policy. Internationally, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) endorsed in 2007, formulates an expansive array of rights for Indigenous communities, including self-determination, land rights, and preservation of culture, although non-binding and subject to state commitment for enactment. States such as Canada have enshrined UNDRIP into national legislation, augmenting protections for Indigenous rights. In contrast, India recognizes Indigenous peoples (Adivasis) under a number of constitutional provisions and legislations, such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, with a goal of reinstating land rights and safeguarding cultural heritage. However, execution remains spotty, with continuing problems with regard to land dispossession and socio-economic marginalization. In general, whereas international policies promote inclusive rights recognition, India's legal systems tend to suffer practical limitations in the effective protection of Indigenous cultures and rights.

---

## **OBJECTIVES:**

- To examine the evolution of international legal frameworks protecting Indigenous cultural heritage.
- To analyze the effectiveness of global and regional mechanisms in safeguarding Indigenous cultural heritage.
- To identify challenges and propose recommendations for strengthening international legal protections for Indigenous cultural heritage, considering factors such as globalization, land rights, and Indigenous self-determination.

---

## **REVIEW OF LITERATURE:**

This article examines the condition of indigenous peoples' rights in Latin America concerning the protection, management, and safeguarding of their cultural heritage, particularly sites designated as UNESCO World Heritage. It highlights the negative impacts of political appropriation and the challenges indigenous communities face due to these designations. By analyzing international documents, UN reports, and recommendations, the study identifies both challenges and positive social initiatives. Using a qualitative approach, it finds that while heritage recognition can lead to cultural preservation, it often marginalized indigenous voices, necessitating inclusive policies for equitable heritage management. (Marta Kania, 2019). This article examines the recognition of indigenous peoples' cultural heritage rights under international law, highlighting their struggle for control over ancestral lands,

traditions, and customs essential to their identity. The objective is to analyze legal frameworks, including international treaties, customary law, and case law, to establish evidence of such rights despite the lack of explicit recognition in human rights instruments. Using a doctrinal research methodology, the study evaluates legal sources and judicial interpretations to address uncertainties. The findings suggest that while there is implicit recognition of indigenous cultural heritage rights, stronger legal protections and clearer international standards are necessary for their effective enforcement. **(Belyavaya et al, 2017)**. This study explores the disproportionate impacts of climate change on Indigenous Peoples and local communities with nature-dependent livelihoods, emphasizing their underrepresented knowledge in climate research and policy. The objective is to highlight the holistic, culturally grounded perspectives of environmental change, their adaptive strategies, and the challenges they face. Using a collaborative research approach through the Local Indicators of Climate Change Impacts project, the study analyzes local reports and responses to climate change. The findings reveal that Indigenous knowledge provides unique insights into environmental changes, adaptation strategies often face socio-political barriers, and divergent understandings of change can enhance research and policy priorities. **(Victoria Reyes Garcia, 2024)**. This study explores the balance between cultural heritage protection and foreign direct investment within international investment law and arbitration. Drawing on Simone Weil's philosophy, it aims to clarify legal principles and propose future directions for better alignment between economic and cultural interests. Using legal analysis and case studies from recent arbitrations, it examines how investment law impacts cultural heritage. The findings suggest three legal tools to enhance this balance, ensuring that economic globalization does not undermine cultural heritage preservation. **(Valentina Vadi, 2023)**. This study explores how indigenous knowledge, cultural heritage preservation, and ethnic identity influence the production of traditional Phu Thai ikat textiles in northeast Thailand. Using a qualitative ethnographic approach with a realistic design, 30 in-depth interviews were conducted with Phu Thai textile artisans in Kalasin province. The findings reveal that natural dyeing, traditional crafts, materials, designs, and patterns are integral to Phu Thai ikat weaving, highlighting the role of cultural heritage in sustaining these textiles. This research provides a deeper theoretical understanding of indigenous knowledge and heritage preservation in maintaining traditional ikat textiles. **(Atcharee Chantamool, et al, 2024)**. This chapter examines Indigenous Cultural Heritage through an analysis of international legal frameworks and conventions under the United Nations, exploring intangible meanings of cultural heritage. Using a material perspective, it analyzes legal instruments that safeguard indigenous heritage, focusing on repatriation claims by indigenous communities in Brazil and Latin America. The study highlights the role of soft power and international collaboration in these processes, emphasizing the goodwill of European institutions holding indigenous artifacts. Findings reveal a growing movement for self-managed repatriation, supported by international legal mechanisms and cooperative efforts. **(Nathan Assuncao Agostinho, 2024)**. This study examines the applicability of international cultural rights norms in protecting Indigenous land rights in Indonesia, where the Agrarian Law 1960 claims uncertified lands as state property. By analyzing international instruments such as UNESCO Conventions and human rights covenants, the research highlights the necessity of securing Indigenous ancestral lands for cultural heritage preservation. Findings indicate that protecting Indigenous tangible and intangible heritage is impossible without recognizing their traditional land rights. Thus, ensuring land security is crucial for the cultural survival of Indigenous communities in Indonesia. **(Chairul Fahmi, 2024)**. This chapter analyzes how states incorporate culture and heritage into their constitutions, focusing on nation-building, identity, and human rights while examining examples from different regions. Using a legal analysis approach, it explores constitutional provisions, case law, and scholarly literature to understand how Indigenous and marginalized groups' rights are protected. Findings reveal that constitutional recognition of culture and heritage, including customary law, reflects historical developments in international heritage law and evolving notions of intangible heritage. The study highlights the interplay between constitutional law and heritage protection, emphasizing its impact on cultural and natural heritage preservation. **(Anita Vaivade, Harriet Deacon, 2024)**. This essay explores the role of traditional knowledge and cultural heritage in deep seabed mining negotiations, which reflect competing visions of the ocean as either a resource-rich void or a space of deep cultural connection. Through legal analysis, it examines states' international obligations and argues for greater inclusion of communities with cultural ties to the ocean. Findings reveal that intangible cultural heritage, largely overlooked in current negotiations, provides a stronger doctrinal and practical basis for integrating culture and identity into the deep seabed mining regime. Recognizing these aspects could lead to more inclusive and equitable policymaking. **(Lucas Lixinski, 2024)**. This chapter examines the state-sanctioned destruction of Aboriginal heritage in the Pilbara region of north-western Australia, where economic imperatives for development often overshadow cultural preservation. Through case studies involving three Aboriginal communities, the research highlights barriers to protecting both tangible and intangible heritage, such as power imbalances and unequal negotiations. The findings argue that while heritage destruction in the Pilbara is systemic, it is not inevitable, even within current legislative and policy frameworks. The chapter emphasizes the need for more equitable and inclusive approaches to Indigenous heritage protection, which are relevant globally for contested land use. **(Jillian Huntley, 2023)**. This article reflects on the fiftieth anniversary of the Arctic Peoples' Conference, held in 2023 in Ilulissat, Greenland, where Arctic Indigenous Peoples evaluated their progress and current challenges. The study examines how these communities have influenced Western European legal norms historically tied to their colonization and highlights their ongoing efforts to assert rights to land, water, and resources. The Joint Statement from the conference emphasizes the need for enhanced engagement in international legal forums, intergenerational justice, and the impacts of climate change and colonialism. Findings reveal the continued resilience and advocacy of Arctic Indigenous Peoples in shaping contemporary legal and environmental discussions. **(Sara Olsvig, 2023)**. This article examines the concept of "indigenous sovereignty" within the context of indigenous peoples' struggle to be recognized as "peoples" in international law. It argues that indigenous sovereignty is fluid and challenges the "empire of uniformity" imposed by states, asserting the right to self-determination. Through critical analysis, the article explores how this sovereignty confronts state authority over indigenous populations. The findings suggest that indigenous sovereignty offers a foundational challenge to the political and moral control of states over indigenous territories and peoples. **(Rashwet Shrinkhal, 2021)**. This article explores the development of international cooperation in cultural heritage protection, primarily through UNESCO's initiatives, which have led to key cultural conventions. It examines the protection of cultural property in war, the prevention of illicit trade, and the safeguarding of both tangible and intangible cultural heritage. The objective is to highlight the human rights dimension of cultural heritage protection, especially in Europe, where challenges arise due to political and ethnic complexities. Findings reveal that while international efforts are significant, the lack of a binding instrument for Central and Eastern Europe and the region's historical challenges complicate effective heritage protection. **(Zombory Katarzyna, 2022)**. This article examines the consequences of the destruction of Aboriginal cultural heritage at Juukan Gorge by Rio Tinto, focusing on the Parliamentary Inquiry and the subsequent government response,

as well as Indigenous Cultural Heritage legislative reforms. The objective is to assess the influence of international legal norms, particularly the United Nations Declaration on the Rights of Indigenous Peoples, on domestic legislative reforms in Australia. Through legal and policy analysis, the article explores how these norms have gained substantial weight despite their non-binding status. Findings suggest that contemporary international norms are increasingly shaping domestic reforms around Indigenous cultural heritage protection (**Matthew Storey, 2023**). This article examines the significant impact of climate change on both tangible and intangible cultural heritage, with a focus on Indigenous communities, whose connection to land and nature makes them disproportionately affected. The objective is to assess how the international legal framework can address these impacts, particularly on Indigenous intangible heritage, and to review UNESCO's recent efforts to mitigate climate change's effects on cultural heritage. Through legal analysis and review of international frameworks, the article explores potential solutions. Findings suggest that while current international legal frameworks are insufficient, UNESCO's initiatives represent an important step toward addressing these challenges. (**Noelle Higgins, 2022**). This paper explores the fragmented nature of the definition of cultural heritage within international law, shaped by various conventions, protocols, and declarations promoted by UNESCO and other organizations. The objective is to identify common principles underlying the diverse and multifaceted definitions of cultural heritage, despite their contextual differences. Through a normative approach, the paper analyzes these international texts to highlight shared principles that guide cultural heritage protection. Findings suggest that, despite the lack of a unified definition, these general principles provide a foundation for enforcing protectionist rules and facilitating the return of looted or lost cultural property. (**Alessandra Lanciotti, 2021**). This paper explores the challenges and resilience of Indigenous and Local Knowledge (ILK), examining historical factors that have contributed to its decline and the prospects for its survival and revitalization. The objective is to analyze the long-term impacts of modernization and capitalism on ILK, while also considering recent developments in science, law, and politics. Through historical and theoretical analysis, the paper highlights the evolving recognition of ILK and its potential role in a post-industrial society. Findings suggest that despite past threats, ILK holds valuable perspectives for the future, especially when integrated with contemporary knowledge systems. (**Erik Gomez Baggethun, 2021**) This study examines the extent to which Indigenous Peoples (IP) in Bolivia, despite the country's incorporation of the United Nations Declaration on the Rights of Indigenous Peoples into domestic law, face rights violations potentially amounting to cultural genocide. The objective is to assess the evidence of such violations through civil society organizations' submissions to the United Nations Universal Periodic Review (UPR). By analyzing these submissions, the study identifies ongoing issues such as discrimination, land rights denial, exclusion from decision-making, and suppression of indigenous languages. Findings suggest that while cultural genocide has not yet occurred, without urgent action, vulnerable Indigenous groups in Bolivia may face such a fate in the coming years. (**Paul Chaney, 2024**). This article explores the Indigenous cultural landscape (ICL) as a decolonizing tool in landscape studies, particularly in the context of settler colonialism. The objective is to analyze six ICL studies conducted by the Captain John Smith Chesapeake National Historic Trail in partnership with Indigenous nations and conservationists, to understand their role in challenging settler colonial histories. Through a review of scale, mobility, temporality, and relational dynamics, the article demonstrates how these studies reshape landscape conceptions. Findings reveal that the ICL approach, as exemplified by the Rappahannock River study, facilitates the return of land to Indigenous communities and expands their relational space amidst settler occupation. (**Laura Barraclough, 2023**). This study explores the evolution of cultural heritage protection under international law, considering the historical, social, economic, and political contexts in which these changes have occurred. The objective is to assess the role of international human rights laws, UNESCO, and other organizations in preserving cultural assets, while analyzing the balance between state power and the rights of individuals and groups. Through historical and legal analysis, the study examines the broader implications of cultural heritage preservation and the potential for improvement within the international legal framework. Findings highlight UNESCO's crucial role in monitoring adherence to protection principles and suggest that further investigation is needed into the effectiveness of cultural preservation mechanisms without mandatory ratification processes. (**Malik Zia Ud-din, 2024**)

---

## METHODOLOGY:

The study was based on an **empirical method of research**. The data were collected in Chennai using google form questionnaire by adopting the convenient sampling method and the **sample size is 213**. The used primary data for the study is the **structured questionnaire**. The **independent variables** included in the study is age, gender, locality, occupation, educational qualification. The **dependent variables** used in the study is the opinion of the respondents about involvement of UDHR, rights to govern themselves, challenges faced by the indigenous people, FPIC, their fundamental right, and rating scale. The tool used was SPSS analysing through bar graph. For hypothesis testing, chi square was used.

### HYPOTHESIS: [Table 1]

Null Hypothesis: There is no significant relationship between the educational qualification and awareness of indigenous people as P value is less than 5.

Alternate Hypothesis: There is a significant relationship between the educational qualification and awareness of indigenous people as P value is less than 5.

### HYPOTHESIS: [Table 2]

Null Hypothesis: There is no significant relationship between Education qualification and awareness in involvement of UDHR as P value is less than 5.

Alternate Hypothesis: There is a significant relationship between Education qualification and awareness in involvement of UDHR as P value is less than 5.

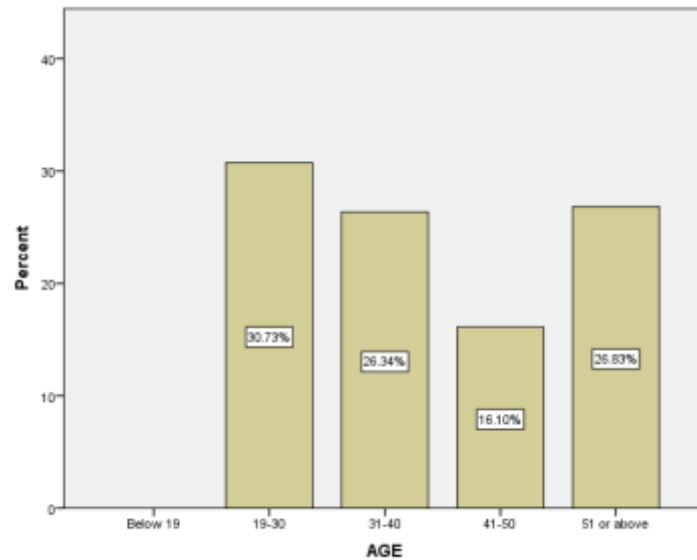
### HYPOTHESIS: [Table 3]

Null Hypothesis: There is no significant relationship between Education qualification and right of indigenous people to self determine as P value is less than 5.

Alternate Hypothesis: There is a significant relationship between Education qualification and right of indigenous people to self determine as P value is less than 5.

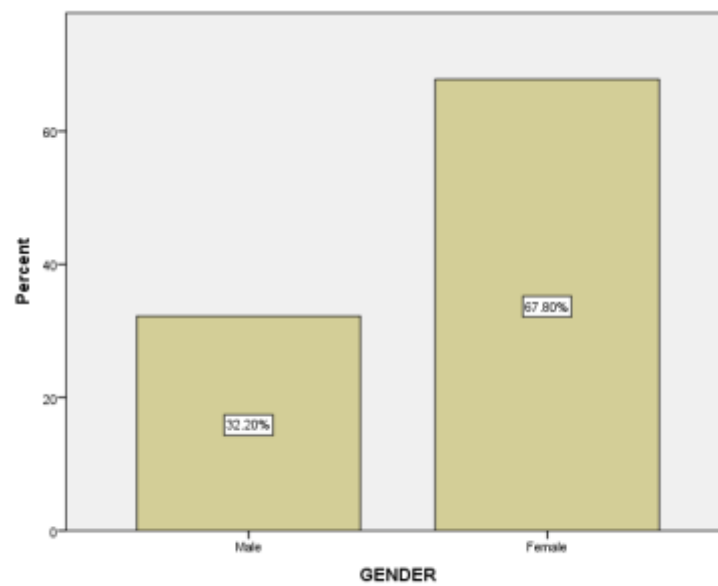
#### ANALYSIS:

Figure 1:



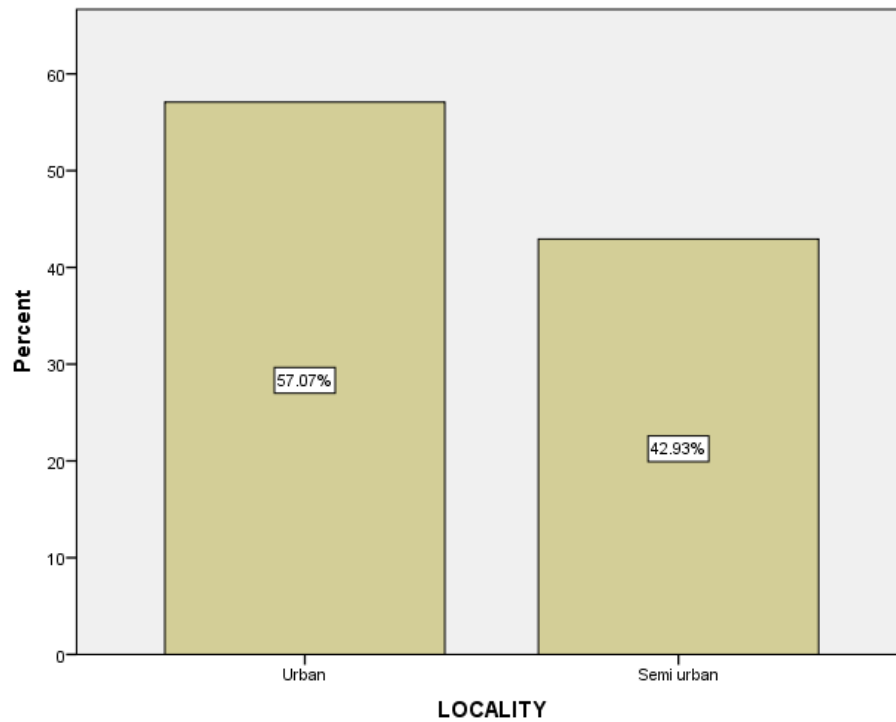
Legend: The graph represents age of the respondents.

Figure 2:



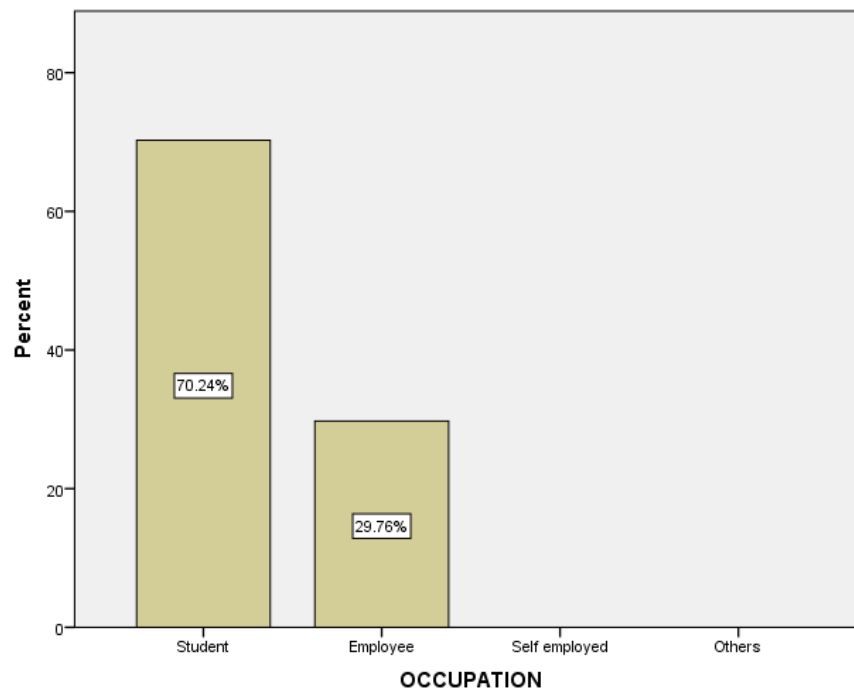
Legend: The graph represents gender of the respondents.

Figure 3:



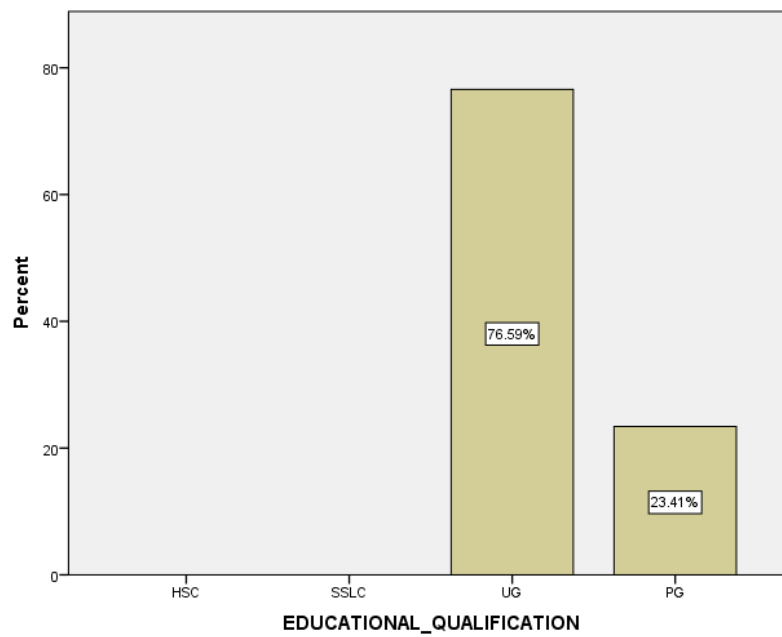
Legend: The graph represents locality of the respondents.

Figure 4:



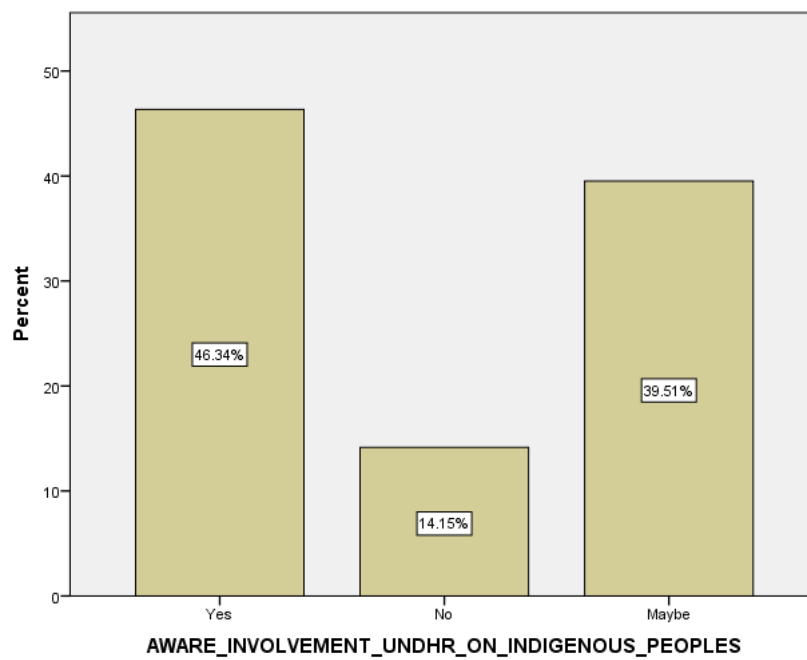
Legend: The graph represents occupation of the respondents.

Figure 5:



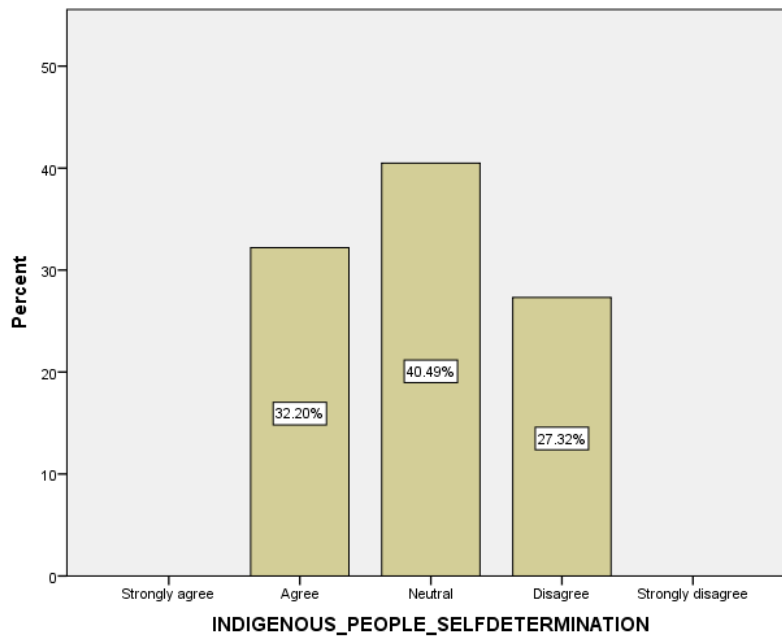
Legend: The graph represents educational qualification of the respondents.

Figure 6:



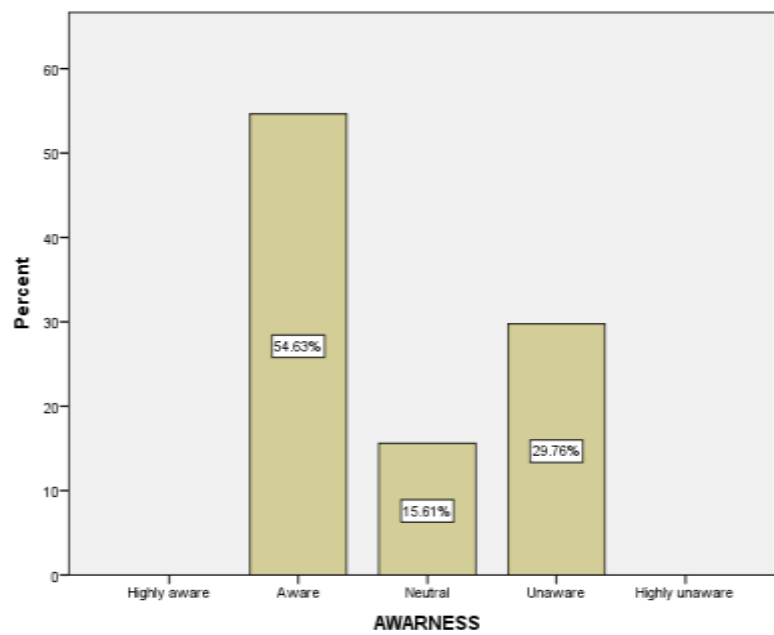
Legend: The graph represents awareness on the UDHR involvement.

Figure 7:



Legend: The graph represents that indigenous people should be given self determination to choose

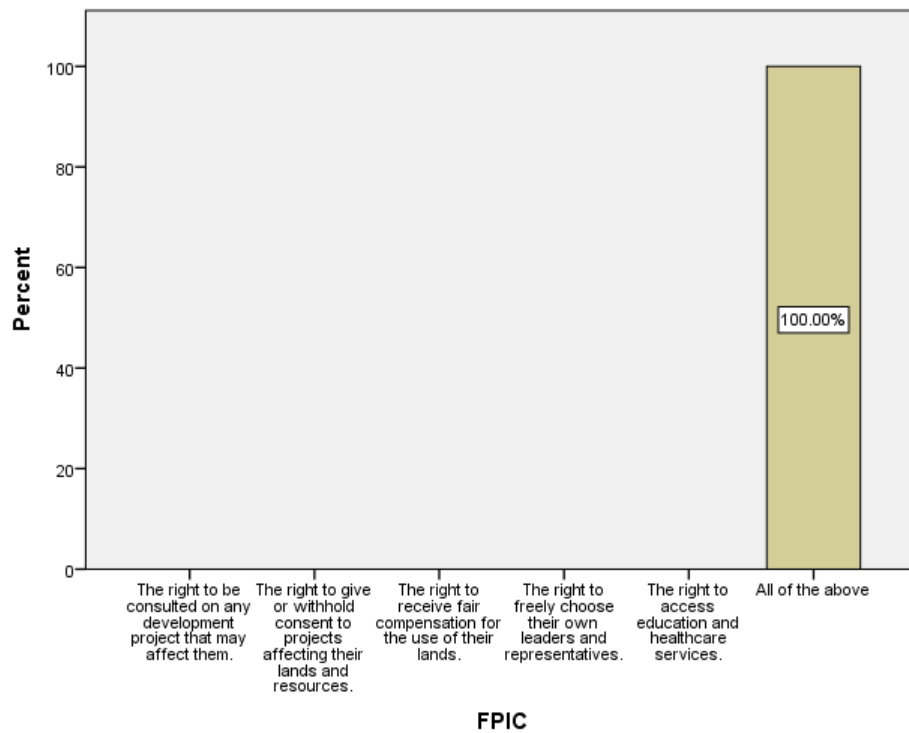
Figure 8:



Legend: The graph represents awareness of the indigenous and their rights.

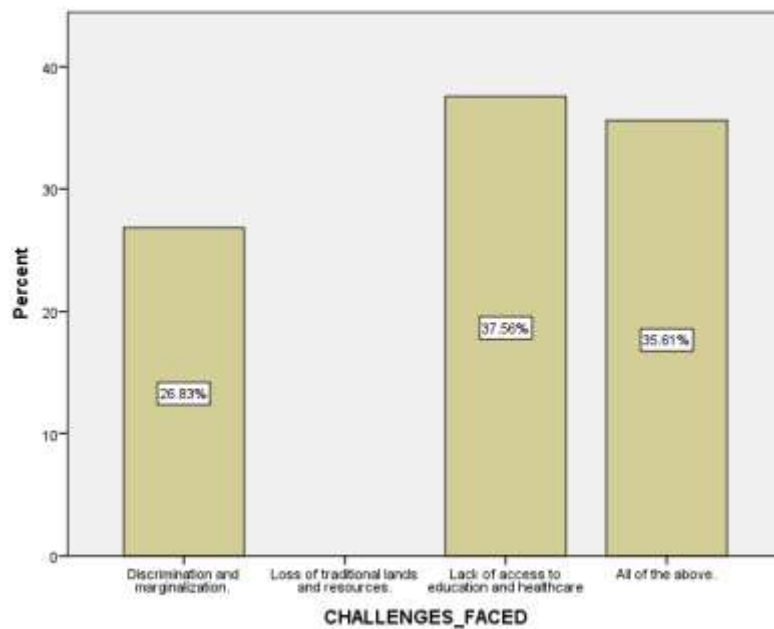


Figure 9:



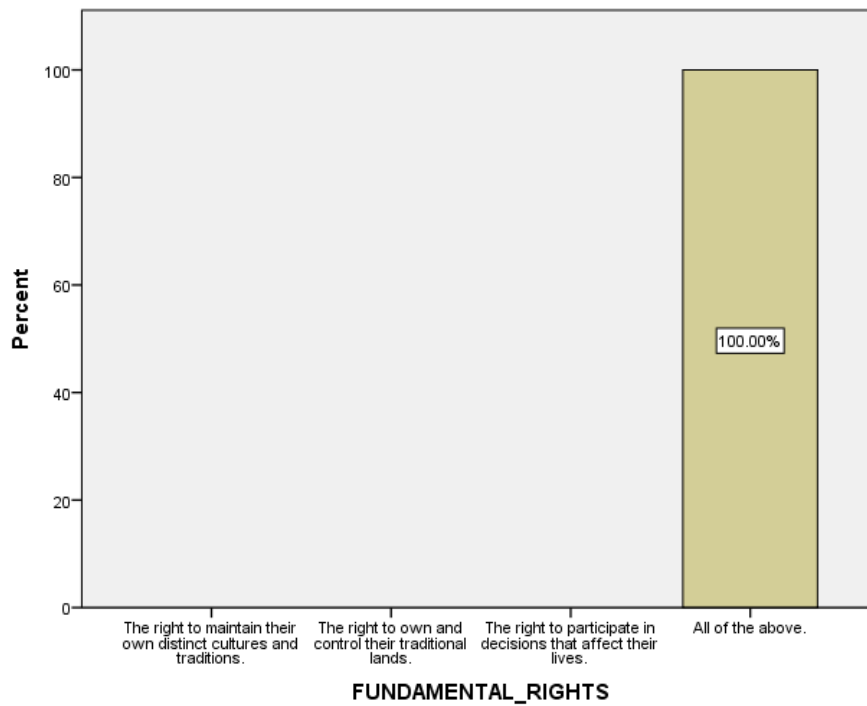
Legend: The graph represents the role of FPIC for the indigenous people.

Figure 10:



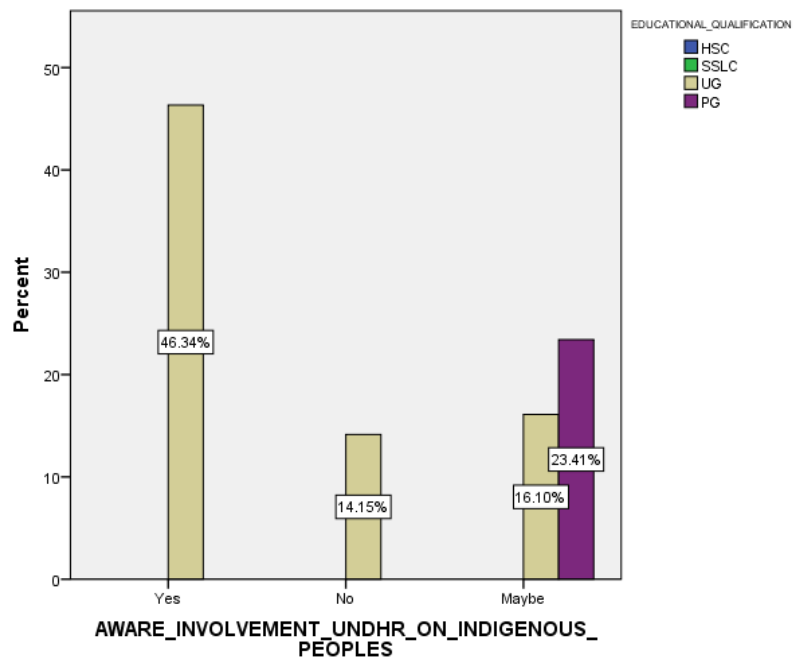
Legend: The figure represents the challenges faced by the indigenous people.

Figure 11:



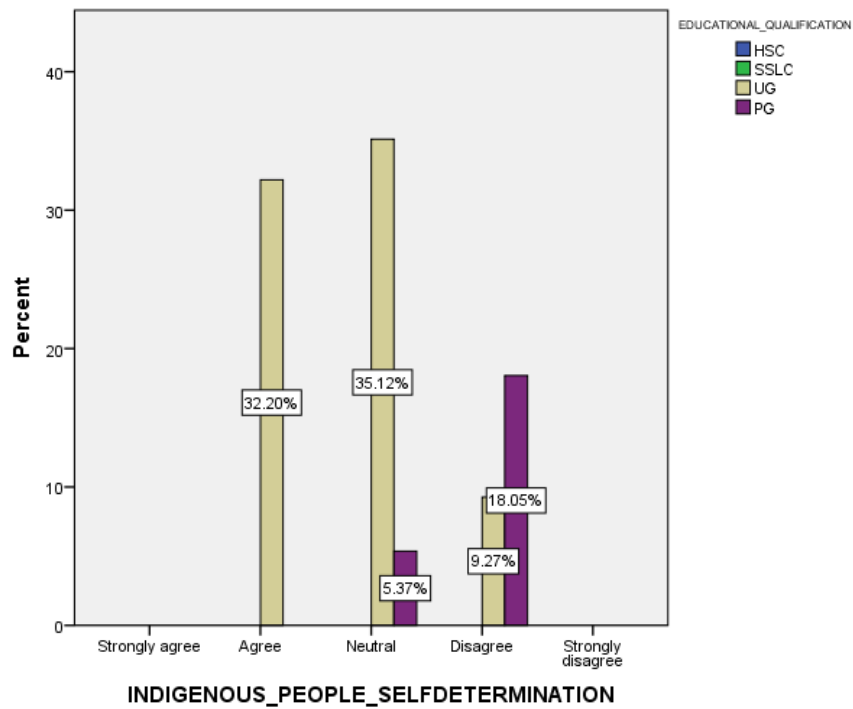
Legend: The graph represents the fundamental rights provided to the indigenous people.

Figure 12:



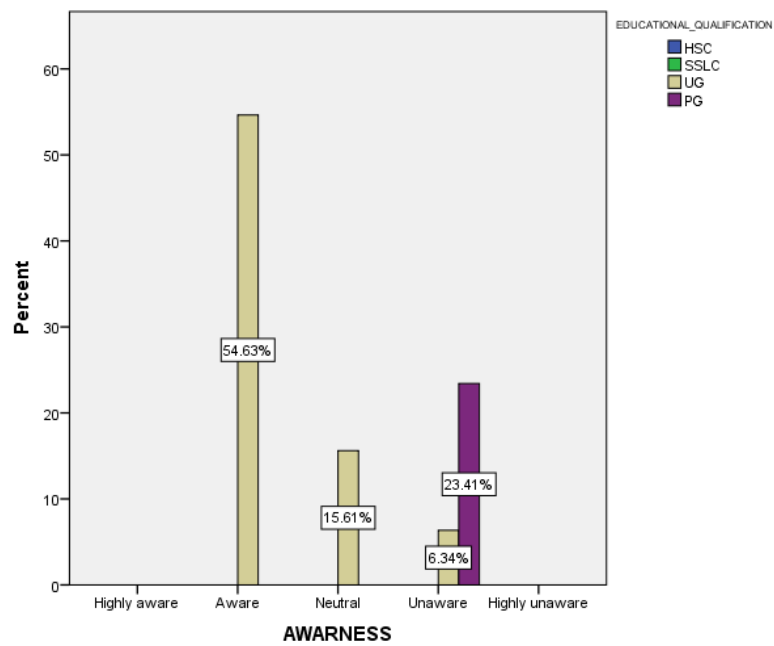
Legend: The figure represents educational qualification awareness on the UDHR involvement.

Figure 13:



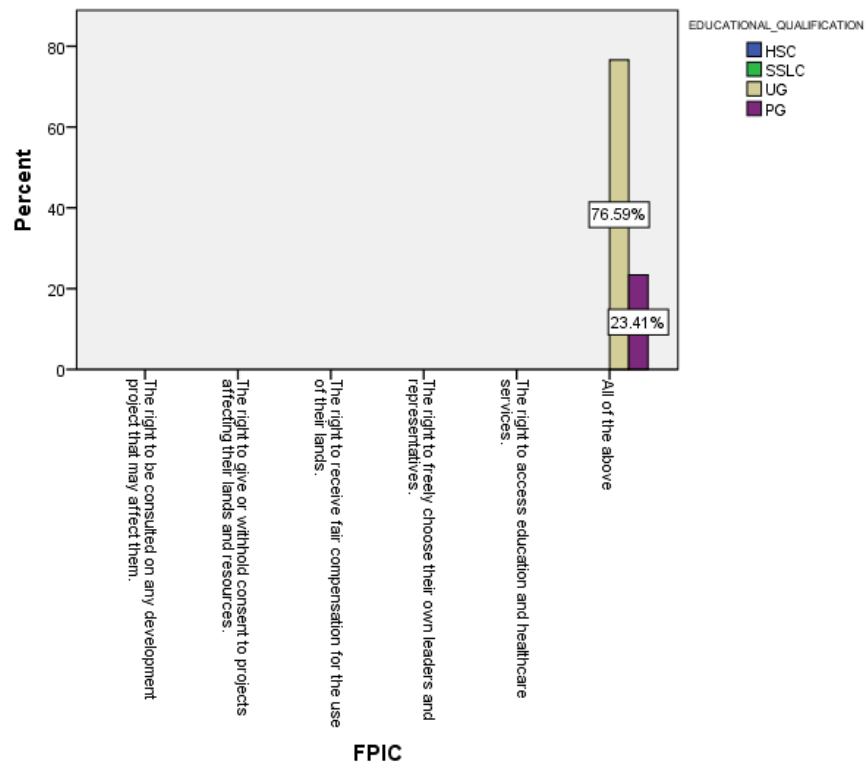
Legend: The figure represents educational qualification opinion on the self determination choice.

Figure 14:



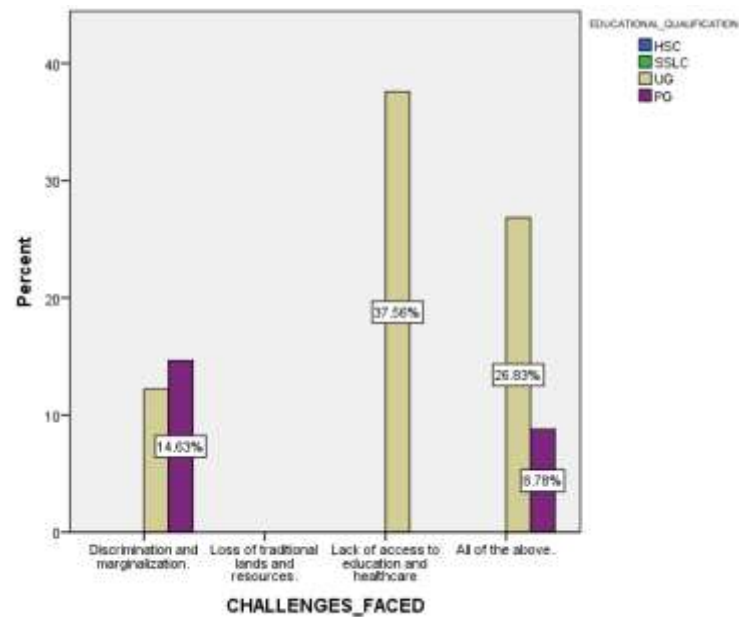
Legend: The graph represents educational qualification awarness.

Figure 15:



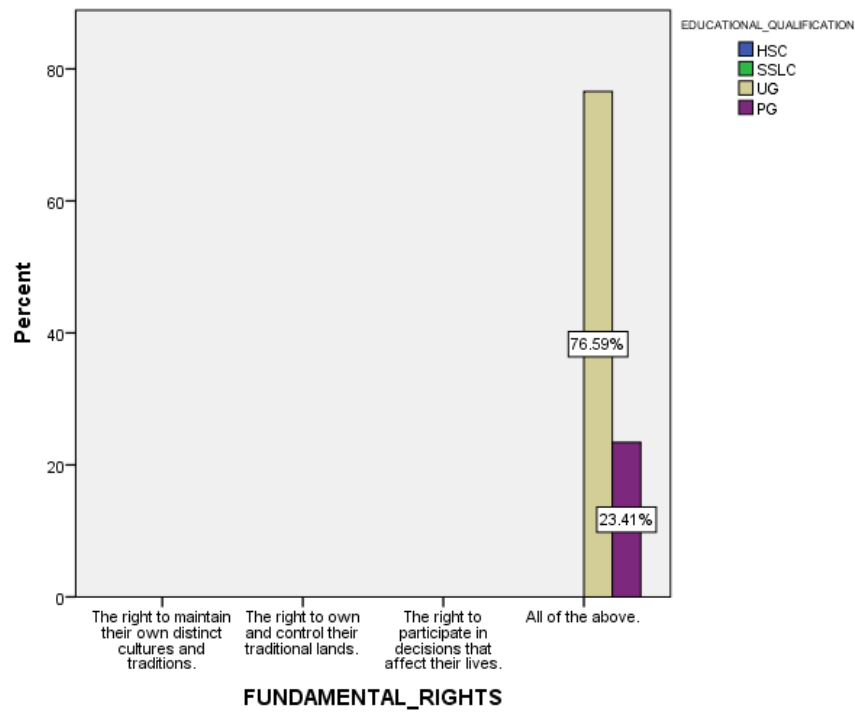
Legend: The graph represents educational qualification opinion on FPIC

Figure 16:



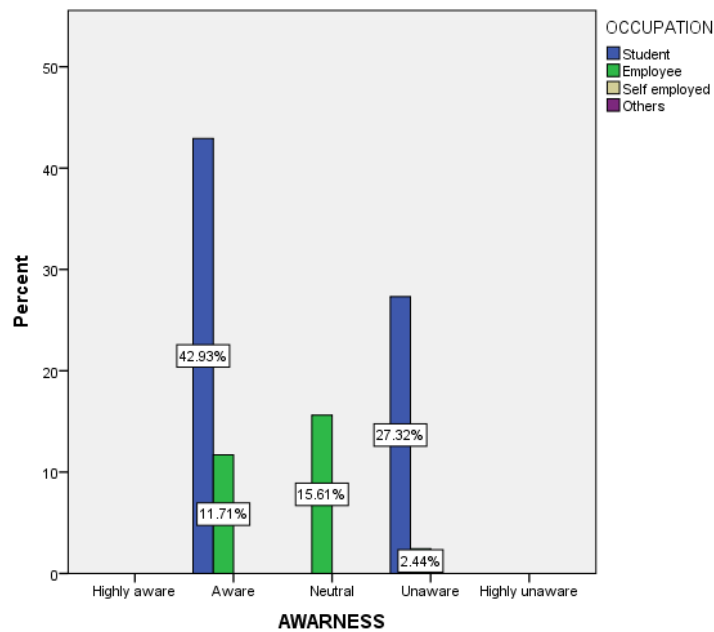
Legend: The graph represents educational qualification opinion on the challenges faced.

Figure 17:



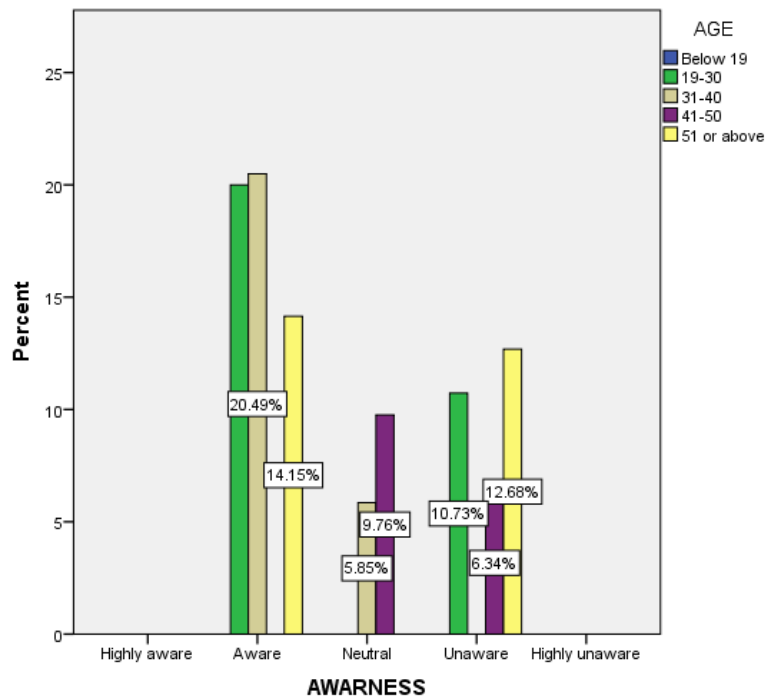
Legend: The graph represents educational qualification opinion on fundamental rights.

Figure 18:



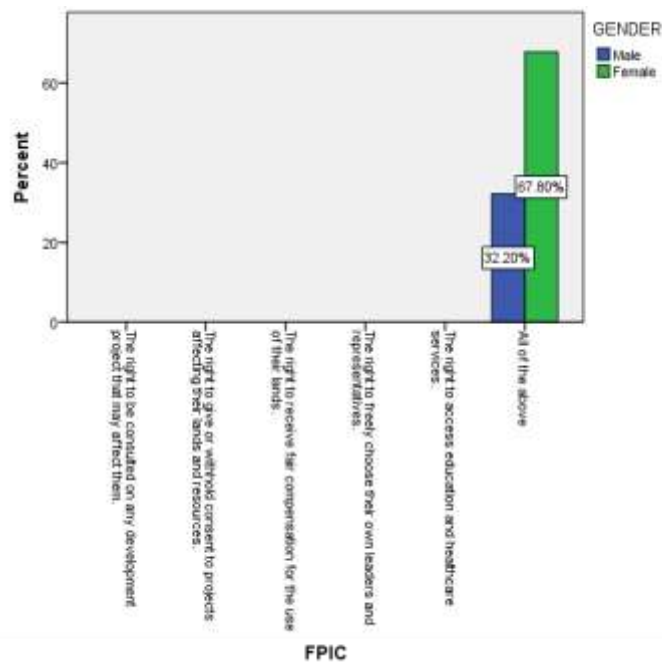
Legend: The graph represents occupation being aware of the indigenous people and rights.

Figure 19:



Legend: The figure represents age group on awareness.

Figure 20:



Legend: The figure represents gender opinion on FPIC

Table 1:

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
EDUCATIONAL_QUALIFICATION * AWARENESS	205	99.5%	1	0.5%	206	100.0%

**EDUCATIONAL\_QUALIFICATION \* AWARENESS Crosstabulation**

Count

		AWARENESS			Total
		Aware	Neutral	Unaware	
EDUCATIONAL_QUALIFICATION	UG	112	32	13	157
	PG	0	0	48	48
Total		112	32	61	205

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	147.954 <sup>a</sup>	2	.000
Likelihood Ratio	159.935	2	.000
Linear-by-Linear Association	124.374	1	.000
N of Valid Cases	205		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.49.

Table 2:

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
EDUCATIONAL_QUALIFICATION * AWARE_INVOLVEMENT_UNDHR_ON_INDIGENOUS_PEOPLES	205	99.5%	1	0.5%	206	100.0%

**EDUCATIONAL\_QUALIFICATION \* AWARE\_INVOLVEMENT\_UNDHR\_ON\_INDIGENOUS\_PEOPLES Crosstabulation**

Count

		AWARE_INVOLVEMENT_UNDHR_ON_INDIGENOUS_PEOPLES			Total
		Yes	No	Maybe	
EDUCATIONAL_QUALIFICATION	UG	95	29	33	157
	PG	0	0	48	48
Total		95	29	81	205

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	95.947 <sup>a</sup>	2	.000
Likelihood Ratio	113.642	2	.000
Linear-by-Linear Association	83.360	1	.000
N of Valid Cases	205		

a. 0 cells (0.0%) have expected count less than 5. The minimum

Table 3:

Case Processing Summary						
	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
EDUCATIONAL_QUALIFICATION * INDIGENOUS_PEOPLE_SELFDETERMINATION	205	99.5%	1	0.5%	206	100.0%

**EDUCATIONAL\_QUALIFICATION \* INDIGENOUS\_PEOPLE\_SELFDETERMINATION Crosstabulation**

Count

		INDIGENOUS_PEOPLE_SELFDETERMINATION			Total
		Agree	Neutral	Disagree	
EDUCATIONAL_QUALIFICATION	UG	66	72	19	157
	PG	0	11	37	48
Total		66	83	56	205

**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	81.782 <sup>a</sup>	2	.000
Likelihood Ratio	86.461	2	.000
Linear-by-Linear Association	70.685	1	.000
N of Valid Cases	205		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 13.11.

**RESULTS:**

In **fig 1**, the graph represents age of the respondents and majority of them are from the age group of 19-39 with 30.73%, and 51 or above with 26.83%. In **fig 2**, the graph represents gender of the respondents and majority of female with 67.80% and male with 32.20%. In **fig 3**, the graph represents locality of the respondents and majority are urban with 57.07% and semi urban with 42.93%. In **fig 4**, the figure represents the occupation of the respondents and student with 70.24%, employee with 29.76%. In **fig 5**, the graph represents educational qualification of the respondents and majority are UG with 76.59% and PG 23.41%. In **fig 6**, the graph represents awareness of the respondents on UDHR involvement in indigenous people and majority stated yes with 46.34%, no with 14.15% and maybe 39.51%. In **fig 7**, the graph represents the question that indigenous people has self determination in choosing their life and majority stated neutral with 40.49%, agree with 32.20% and disagree with 27.32%. In **fig 8**, the graph represents respondents on awareness of FPIC of indigenous people and majority stated aware with 54.83%, unaware with 29.76%, neutral with 15.61%. In **fig 9**, the graph represents that indigenous people should be made aware and consent on FPIC and majority stated all the above with 100%. In **fig 10**, the graph represents public opinion on the challenges faced by the indigenous people and majority lack of access to education and healthcare with 37.56%, all the above with 35.61% and discrimination and marginalization with 26.83%. In **fig 11**, the graph represents respondents opinion on the fundamental rights of the indigenous people and majority stated all of the above with 100%. In **fig 12**, the graph represents educational qualification opinion on awareness of UDHR involvement and majority UG stated yes with 46.34%. In **fig 13**, the graph represents educational qualification opinion on that indigenous people should be self determined while taking a decision and majority UG stated neutral with 35.12%, PG stated disagree with 18.05%. In **fig 14**, the graph represents educational qualification about the awareness on indigenous people and their rights and majority UG stated aware with 54.63%, PG stated unaware with 23.41%. In **fig 15**, the graph represents educational qualification opinion about the role of FPIC, majority UG and PG stated all of the above with 76.59%, 23.41%. In **fig 16** the graph represents educational qualification opinion on the challenges faced and majority UG stated all of the above with 26.83%. In **fig 17**,



the graph represents educational qualification opinion on the fundamental rights that to be secured by the indigenous people and both UG and PG stated all of the above with 76.59% and 23.41%. In **fig 18**, the graph represents occupation opinion on awareness on the problems faced by the indigenous people and majority student sated aware with 42.93%. In **fig 19**, the graph represents age opinion on the awareness and majority 31-40 stated aware with 20.49%. In **fig 20** the graph represents gender opinion on the role FPIC by informing them and majority male and female stated all of the above with 32.20% and 67.80%.

---

## DISCUSSIONS:

In **figure 1**, The majority of respondents belong to the 19-39 and 51 plus age groups, indicating a diverse range of perspectives across different life stages. In **Figure 2**, A significant majority of respondents are female, suggesting a potential gender imbalance in the sample population. In **Figure 3**, The majority of respondents reside in urban areas, followed by semi-urban areas, highlighting the urban-centric nature of the sample. In **Figure 4**, Students constitute the largest segment of respondents, followed by employees, indicating a focus on younger populations and those actively engaged in the workforce. In **Figure 5**, The majority of respondents possess an undergraduate degree, with a smaller proportion holding postgraduate degrees, suggesting a relatively well-educated sample. In **Figure 6**, Awareness of the UDHR's involvement in indigenous people's rights is varied, with a significant portion unsure about their involvement. In **Figure 7**, Opinions on indigenous people's self-determination are divided, with a notable proportion of respondents expressing neutral views. In **Figure 8**, Awareness of Free, Prior, and Informed Consent (FPIC) among indigenous people is relatively high, but a significant portion remains unaware. In **Figure 9**, There is a strong consensus among respondents that indigenous people should be made aware of and consent to FPIC processes and it involves of The right to be consulted on any development project that may affect them, The right to give or withhold consent to projects affecting their lands and resources, The right to receive fair compensation for the use of their lands, The right to freely choose their own leaders and representatives and The right to access education and healthcare services. In **Figure 10**, Lack of access to education and healthcare, along with overall discrimination and marginalization, are perceived as the most significant challenges faced by indigenous people. In **Figure 11**, There is complete agreement among respondents that indigenous people possess fundamental rights as The right to maintain their own distinct cultures and traditions, The right to own and control their traditional lands, The right to participate in decisions that affect their lives. In **Figure 12**, Awareness of the UDHR's involvement in indigenous people's rights is consistent across both undergraduate and postgraduate respondents. In **Figure 13**, Opinions on indigenous people's self-determination vary across educational qualifications, with postgraduate respondents expressing more disagreement. In **Figure 14**, Awareness of indigenous people and their rights is higher among undergraduate respondents compared to postgraduate respondents. In **Figure 15**, There is strong support for the role of FPIC across both undergraduate and postgraduate respondents as The right to be consulted on any development project that may affect them, The right to give or withhold consent to projects affecting their lands and resources, The right to receive fair compensation for the use of their lands, The right to freely choose their own leaders and representatives and The right to access education and healthcare services. In **Figure 16**, Perception of the challenges faced by indigenous people is consistent across both undergraduate and postgraduate respondents. In **Figure 17**, Both undergraduate and postgraduate respondents agree that indigenous people should have their fundamental rights secured. In **Figure 18**, Awareness of the problems faced by indigenous people is higher among student respondents compared to employees. In **Figure 19**, Awareness of indigenous people and their rights is highest among the 31-40 age group. In **Figure 20**, Both male and female respondents strongly support the role of FPIC in informing indigenous people.

---

## LIMITATIONS:

Due to the constraint of time, the study was rejected within a limited sample frame. A large area was unable to be studied. There is a major constraint in the convenient sampling method, as the survey was collected through a google form questionnaire. The other limitation is the sampling size of 213 respondents, which cannot be assumed as a thinking process of the entire population in a particular country, state, or city. The physical factor has a larger impact, thus limiting the study.

---

## CONCLUSION:

Indigenous societies have a rich heritage spanning tens of thousands of years. Despite the disruptions caused by European colonization, many Indigenous groups have preserved their cultural identities and continue to assert their rights. In India, Adivasis, whose origins date back over 50,000 years, developed distinct languages and traditions but faced displacement with Indo-Aryan migrations and later pressures from the Mughals and British. Today, around 700 recognized tribal communities in India strive to uphold their heritage amid ongoing socio-political changes. The **objective** To examine the evolution of international legal frameworks protecting Indigenous cultural heritage, To analyze the effectiveness of global and regional mechanisms in safeguarding Indigenous cultural heritage and today identify challenges and propose recommendations for strengthening international legal protections for Indigenous cultural heritage, considering factors such as globalization, land rights, and Indigenous self-determination. The **findings** analyze that Indigenous cultural heritage protection is still a multifaceted global issue, marked by enormous legal, social, and economic hurdles. **Major findings** confirm ongoing threats to Indigenous peoples, such as language loss, land loss, and socio-economic exclusion. In spite of progressive international instruments such as UNDRIP, implementation is uneven, with limited success in safeguarding Indigenous rights. **The research recommends that future studies** emphasize the development of stronger, culturally appropriate legal frameworks that prioritize Indigenous self-determination and community-based preservation practices. **The recommendations** are to strengthen legal safeguards, promote economic opportunities, and establish collaborative forums for Indigenous knowledge preservation. The research underscores the urgent need for a paradigm shift from top-down to more inclusive, participatory models of cultural

heritage protection. **The future scope** highlights interdisciplinary studies on innovative approaches to cultural preservation, combining traditional knowledge with modern conservation practices, and developing sustainable mechanisms that empower Indigenous peoples to preserve their cultural identities while facing global challenges. **In conclusion**, the study finds that effective Indigenous cultural heritage protection necessitates a holistic approach that values the intrinsic worth of Indigenous knowledge systems, rectifies historical injustices, and establishes meaningful avenues for cultural continuity and self-determination.

#### REFERENCES:

1. Agostinho, Nathan Assunção. "The Reason for the Artifact." *The Latin American Studies Book Series*, 2023, pp. 87–104, [https://doi.org/10.1007/978-3-031-37748-8\\_6](https://doi.org/10.1007/978-3-031-37748-8_6). Accessed 20 Jan. 2025.
2. Barraclough, Laura. "Indigenous Cultural Landscapes: Decolonizing Landscape within Settler Colonial Societies." *Annals of the American Association of Geographers*, 27 Sept. 2024, pp. 1–21, <https://doi.org/10.1080/24694452.2024.2400099>. Accessed 20 Oct. 2024.
3. Belyaeva, G S, et al. "An Analysis of the Current International Legal Regime on the Protection of the Cultural Heritage of Indigenous Peoples." *Research Gate*, 1 June 2017, [www.researchgate.net/publication/370105532\\_An\\_Analysis\\_of\\_the\\_Current\\_International\\_Legal\\_Regime\\_on\\_the\\_Protection\\_of\\_the\\_Cultural\\_Heritage\\_of\\_Indigenous\\_Peoples](http://www.researchgate.net/publication/370105532_An_Analysis_of_the_Current_International_Legal_Regime_on_the_Protection_of_the_Cultural_Heritage_of_Indigenous_Peoples).
4. Chairul Fahmi (Acehese). "The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia." *AlterNative an International Journal of Indigenous Peoples*, vol. 20, no. 1, 1 Mar. 2024, pp. 157–166, <https://doi.org/10.1177/11771801241235261>.
5. Chaney, Paul. "Cultural Genocide? Civil Society Perspectives on the Contemporary Human Rights Situation of Indigenous People in Bolivia: A Critical Analysis." *Journal of Civil Society*, 11 Dec. 2024, pp. 1–25, <https://doi.org/10.1080/17448689.2024.2437579>. Accessed 20 Dec. 2024.
6. Chantamool, Atcharee, et al. "Promoting Traditional Ikat Textiles: Ethnographic Perspectives on Indigenous Knowledge, Cultural Heritage Preservation and Ethnic Identity." *Global Knowledge, Memory and Communication*, 3 Jan. 2023, <https://doi.org/10.1108/gkmc-08-2022-0198>.
7. Gómez-Baggethun, Erik. "Is There a Future for Indigenous and Local Knowledge?" *The Journal of Peasant Studies*, 30 Aug. 2021, pp. 1–19, <https://doi.org/10.1080/03066150.2021.1926994>.
8. Higgins, Noelle. "Changing Climate; Changing Life—Climate Change and Indigenous Intangible Cultural Heritage." *Laws*, vol. 11, no. 3, 2 June 2022, p. 47, <https://doi.org/10.3390/laws11030047>.
9. Huntley, Jillian, and Lynley A Wallis. "Case Study." *Routledge EBooks*, 18 July 2023, pp. 384–394, <https://doi.org/10.4324/9781003131069-34>.
10. Kania, Marta Alicja. "Indigenous Peoples' Rights and Cultural Heritage: Threats and Challenges for a New Model of Heritage Policy." *Latinoamérica. Revista de Estudios Latinoamericanos*, no. 68, 8 Feb. 2019, p. 121, <https://doi.org/10.22201/cialc.24486914e.2019.68.57064>.
11. Lanciotti, Alessandra. "Cultural Heritage in International Law: (Still) Looking for a Definition? The Taxonomy of Cultural Heritage across the Spectrum of UNESCO Conventions and Beyond." *Springer EBooks*, 1 Jan. 2021, pp. 191–208, [https://doi.org/10.1007/978-981-16-0309-9\\_13](https://doi.org/10.1007/978-981-16-0309-9_13). Accessed 21 Oct. 2024.
12. Lixinski, Lucas. "Integrating Culture, Heritage, and Identity in Deep Seabed Mining Regulation." *AJIL Unbound*, vol. 118, 1 Jan. 2024, pp. 78–82, <https://doi.org/10.1017/aju.2024.7>. Accessed 26 June 2024.
13. Olsvig, Sara, and Miriam Cullen. "Arctic Indigenous Peoples and International Law." *Nordic Journal of International Law*, vol. 93, no. 1, 26 Mar. 2024, pp. 152–169, <https://doi.org/10.1163/15718107-bja10079>. Accessed 10 May 2024.
14. Reyes-García, Victoria, et al. "Local Studies Provide a Global Perspective of the Impacts of Climate Change on Indigenous Peoples and Local Communities." *Sustainable Earth Reviews*, vol. 7, no. 1, 8 Jan. 2024, <https://doi.org/10.1186/s42055-023-00063-6>.
15. Shrinkhal, Rashwet. "'Indigenous Sovereignty' and Right to Self-Determination in International Law: A Critical Appraisal." *AlterNative: An International Journal of Indigenous Peoples*, vol. 17, no. 1, 15 Mar. 2021, pp. 71–82, [journals.sagepub.com/doi/full/10.1177/1177180121994681](http://journals.sagepub.com/doi/full/10.1177/1177180121994681), <https://doi.org/10.1177/1177180121994681>.
16. Vaivade, Anita, and Harriet Deacon. "Culture and Heritage in Constitutional Law." *Routledge EBooks*, 5 Feb. 2024, pp. 112–132, <https://doi.org/10.4324/9781003149392-10>. Accessed 12 Mar. 2024.
17. Zombory, Katarzyna. "The Protection of Cultural Heritage in International Law - Repository of the Academy's Library." *Mtak.hu*, 2022, [real.mtak.hu/155377/](http://real.mtak.hu/155377/), [http://real.mtak.hu/155377/1/CEA\\_LSCE\\_PhD\\_Raisz\\_InternationalLaw\\_CH10.pdf](http://real.mtak.hu/155377/1/CEA_LSCE_PhD_Raisz_InternationalLaw_CH10.pdf). Accessed 20 Jan. 2025.
18. Higgins, Noelle. "Changing Climate; Changing Life—Climate Change and Indigenous Intangible Cultural Heritage." *Laws*, vol. 11, no. 3, 2 June 2022, p. 47, <https://doi.org/10.3390/laws11030047>.

19. Huntley, Jillian, and Lynley A Wallis. "Case Study." *Routledge EBooks*, 18 July 2023, pp. 384–394, <https://doi.org/10.4324/9781003131069-34>.
20. Lixinski, Lucas. "Integrating Culture, Heritage, and Identity in Deep Seabed Mining Regulation." *AJIL Unbound*, vol. 118, 1 Jan. 2024, pp. 78–82, <https://doi.org/10.1017/aju.2024.7>. Accessed 26 June 2024.

#### PLAGIARISM REPORT:

0%  
Exact Match

0%  
Partial Match

Unique  
100%

Plagiarism  
0%

Detect AI ?

Reverse Image Search ?

Start again

Check Grammar ?

**ABSTRACT:**

The aim of the study is to examine the evolution, effectiveness, and challenges of indigenous cultural heritage protection in an international context and comparing the global legal frameworks with India's policies. In India, Adivasis, whose origins date back over 50,000 years, developed distinct languages and traditions but faced displacement with Indo-Aryan migrations and later pressures from the Mughals and British. Today, around 700 recognized tribal communities in India strive to uphold their heritage amid ongoing socio-political changes. The objective is to examine the evolution of international legal frameworks protecting indigenous cultural heritage, to analyze the effectiveness of global and regional mechanisms in safeguarding indigenous cultural heritage and today identify challenges and propose recommendations for strengthening international legal protections for indigenous cultural heritage, considering factors such as globalization, land rights, and indigenous self-determination. The methodology used was empirical method study and sample size is 213. The findings analyze that indigenous cultural heritage protection is still a multifaceted global issue, marked by enormous legal, social, and economic hurdles. The Major findings confirm ongoing threats to indigenous peoples, such as language loss, land loss, and socio-economic exclusion. In spite of progressive international instruments such as UNDRIP, implementation is uneven, with limited success in safeguarding indigenous rights. In conclusion, the study finds that effective indigenous cultural heritage protection necessitates a holistic approach that values the intrinsic worth of indigenous knowledge systems, rectifies historical injustices, and establishes meaningful avenues for cultural continuity and self-determination.

0%  
Exact Match

0%  
Partial Match

Unique  
100%

Plagiarism  
0%

Detect AI ?

Reverse Image Search ?

Start again

Check Grammar ?

**CONCLUSION:**

Indigenous societies have a rich heritage spanning tens of thousands of years. Despite the disruptions caused by European colonization, many indigenous groups have preserved their cultural identities and continue to assert their rights. In India, Adivasis, whose origins date back over 50,000 years, developed distinct languages and traditions but faced displacement with Indo-Aryan migrations and later pressures from the Mughals and British. Today, around 700 recognized tribal communities in India strive to uphold their heritage amid ongoing socio-political changes. The objective is to examine the evolution of international legal frameworks protecting indigenous cultural heritage, to analyze the effectiveness of global and regional mechanisms in safeguarding indigenous cultural heritage and today identify challenges and propose recommendations for strengthening international legal protections for indigenous cultural heritage, considering factors such as globalization, land rights, and indigenous self-determination. The findings analyze that indigenous cultural heritage protection is still a multifaceted global issue, marked by enormous legal, social, and economic hurdles. Major findings confirm ongoing threats to indigenous peoples, such as language loss, land loss, and socio-economic exclusion. In spite of progressive international instruments such as UNDRIP, implementation is uneven, with limited success in safeguarding indigenous rights. The research recommends that future studies emphasize the development of stronger, culturally appropriate legal frameworks that prioritize indigenous self-determination and community-based preservation practices. The recommendations are to strengthen legal safeguards, promote economic opportunities, and establish collaborative forums for indigenous knowledge preservation. The research underscores the urgent need for a paradigm