

# Title: The Right of Self-Determination for Indigenous Peoples and Minorities

Hamad Kareem Hamad

Assistant Lecturer at the College of Law & International Relations

Knowledge University

Kurdistan Region – Iraq

## Abstract

There are questions indicate under international law that do indigenous peoples have the right to self-determination? How do the legal basis and the scope of this right differ from the right of self-determination recognized to minorities? What are the reasons of these differences? This research, presents the view of international law regarding the right of self-determination through comparing between minorities and indigenous peoples. Moreover, the research shows the difference between minorities and indigenous peoples for practicing this right under international law.

**Key words:** Self-determination – Minorities – Indigenous peoples

## Introduction

The right of self-determination, which has been declared in different international instruments, is applicable to all peoples in the world. Originally, the source of this right is human's behavior that naturally likes or wants to be free and live in freedom. Initially, the aim of self-determination was for granting independence to all peoples under colonialism in the middle of the twentieth century based on the right of equality.<sup>(1)</sup>

Consequently, after colonialism, some of indigenous peoples and groups, who are living within existing countries, could not establish their own states because of their political, economical and social circumstances. Hence, they have remained within these countries. This is because, the states rarely care about their status, privacy and dissimilarity in terms of race, language, culture, and religion. This has resulted inconsistent conflicts with the state. To address their never ending

---

<sup>(1)</sup> UN. G. A. *The Declaration on the Granting of Independence to Colonial Countries and Peoples*, G.A. res. 1514 (XV), 15 U.N. GAOR Supp. (No. 16) at 66, U.N. Doc. A/4684 (1960) available at: <http://www1.umn.edu/humanrts/instrtree/cldgiccp.htm> [accessed 1 Jan 2017]



conflicts, they have resorted to self-determination and this concept have become their core goal. All this has led the United Nations (UN) to start protecting those peoples. After many years of efforts, finally in two declarations were adopted by the UN General Assembly. First was for the minority's rights 1993<sup>(1)</sup> and second was for the indigenous peoples' rights in 2007.<sup>(2)</sup>

This research attempts to prove right of self-determination legally for indigenous peoples in difference with minorities right to self-determination, and it demonstrate the reasons behind existence of this right for indigenous peoples.

This research is divided into two major parts which will explain the legal basis of right of self-determination for indigenous peoples in first part and for minorities in second part. Also, it shows the reasons behind the differences between them regarding this right. Finally, the concluding remarks with some recommendations will be presented .

## **I. Indigenous Peoples and the Right of Self-Determination**

In this section, it is necessary to introduce the concept of both indigenous peoples and the right of self-determination. Then we will argue the existence of this right to indigenous peoples under international law:

### **i. Who are Indigenous Peoples?**

There is no a universal definition for indigenous peoples under international law, but in the last three decades there are various definitions have been draw for indigenous peoples. Moreover, the most prominent one is Jose R. Martinez Cobo's definition during his study about the Problem of Discrimination against Indigenous Populations in 1982. He defines peoples and nations that they are:

---

<sup>(1)</sup> UN. G. A. *The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities*,

G.A. Res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, UN Doc. A/47/49 (1993) available at: <<http://hrlibrary.umn.edu/instreet/d5drm.htm>> [accessed 1 Jan 2017]

<sup>(2)</sup> UN. G. A. *The Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/47/1 (2007). Available at: <<http://hrlibrary.umn.edu/instreet/declaration.html>> [accessed 2 Jan 2017]



...those who have a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems<sup>(1)</sup>

Besides, another definition is Article 1 in ILO convention No. 169<sup>(2)</sup>, it states that a people are measured indigenous either:

- Because they are descendants of those who lived in the area before colonization; or
- Because they have maintained their own social, economic, cultural and political institutions since colonization and the establishment of new states.<sup>(3)</sup>

Finally, after many efforts and debates to find a universal definition for indigenous peoples, in the fifteenth session of International Work Group For Indigenous Affairs (IWGIA) in 1997 this idea was refused.<sup>(4)</sup> Therefore, in the final international instrument the UN declaration on the rights of indigenous peoples, which was declared by the UN general assembly in 2007, in Article

---

<sup>(1)</sup>Jose R.MartinezCobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.UN. Doc. *Report of the Working Group on Indigenous Populations on its fifteenth session*.E/CN.4/Sub.2/1982/2/Add.6. available at :

<[http://www.un.org/esa/socdev/unpfi/documents/MCS\\_v\\_en.pdf](http://www.un.org/esa/socdev/unpfi/documents/MCS_v_en.pdf)>[accessed 2 Jan 2017]

<sup>(2)</sup>UN. Doc. *International Labour Organization (ILO), Indigenous and Tribal Peoples Convention*,C169,27June1989, C169,

Article1,1(a),(b)availableat:<<http://www.refworld.org/docid/3ddb6d514.html>> [accessed 3 Jan 2017]

<sup>(3)</sup>International Work Group For Indigenous Affairs, (IWGIA), Frontpage , culture and Identity, Identification of indigenous Peoples, *Who are the indigenous peoples?* Available at:<<http://www.iwgia.org/culture-ndidentity/identificationofindigenouspeoples>> [accessed 3 Jan 2017]

<sup>(4)</sup>UN. E. S.C. '*Report of the Working Group on Indigenous Populations on its fifteenth session*' /CN.4/Sub.2/1997/14(Geneva, 28 July-11 August 1997) chapter II, available at: <https://documentsddsny.un.org/doc/UNDOC/GEN/G97/133/70/PDF/G9713370.pdf?OpenElement>> [accessed 3 Jan 2017]



33 gives the right of self-identification to indigenous peoples to identify themselves as indigenous or not.<sup>(1)</sup>

## ii. The Concept of Self-Determination

The principle of self-determination basically dates back to after both of the Independence of America in 1776 and the French revolution in 1789, when the idea of government's responsibility before its individuals and people was appeared.<sup>(2)</sup> This idea was developed in the western Europe and America in the 19<sup>th</sup> century,<sup>(3)</sup> but it remained as a political theory till 20<sup>th</sup> century.

In addition, In the period of the league of nations, Self-determination became an international concept, and it was animatedly supported by both Lenin and Willson, but for different purposes. Lenin tried to use it for his plan to build socialism as he recognised to nations and peoples right within society, or with emphasis on the principle of territorial integrity of states,<sup>(4)</sup> while Wilson through his famous fourteen points to the congress in 1918 agreed it because of his thoughts about the democratic government. Then, individual's and peoples' right to political participation and introduce their identity was an attempt to transfer self-determination from national to international principle and to be applied for all nations and peoples.<sup>(5)</sup> Furthermore, the Allies didn't advocate the idea of self-determination to be put in the charter of the League of Nations because they supposed that it was not clear that to whom does apply.<sup>(6)</sup>

However, after the W.WII and through make an effort the US, self- determination was transferred from a political theory to an international rule when it was codified as a core of human right in

---

<sup>(1)</sup> See, supra note 3, Article 33

<sup>(2)</sup> A. Cassese, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge University Press 1998) p.11

<sup>(3)</sup> T. D. Musgrave, *Self-Determination and National Minorities* (Oxford University Press 2000)P.2

<sup>(4)</sup> See supra note 9, P.18

<sup>(5)</sup> See supra note 10, P. 22

<sup>(6)</sup> M. Pomerance. 'United States and Self-Determination: Perspectives on the Wilsonian Conception, The' (1976) 70 Am.J.Int'l L. 1. P. 11



the UN charter.<sup>(1)</sup> Finally, this opened the way to declare it as a right of all peoples under colonialism in 1960s<sup>(2)</sup> and today it has become the chief principle in human rights and for groups of peoples' to decide how they want to live.

### iii. Indigenous Peoples' Right to Self-Determination

The UN charter as first international instrument recognized to self-determination as a right of all peoples<sup>(3)</sup>, and this concept in the UN charter was the first time used as an alternative of decolonization through general assembly resolution 1514 in 1960<sup>(4)</sup> to support the countries under colonialism. Moreover, this resolution has used the word of (people)s instead of states or countries. It means, self-determination applies to all peoples equally, and according to the principle of equality between them.

However, the resolution admitted to external self-determination for the peoples in a dominant position in colonial countries, it entirely refuses any practice not consistent with the principle of territorial integrity. Therefore, it is difficult to indigenous peoples who are in a non dominant position to practice right of external self-determination.<sup>(5)</sup>

Later on, in 1970 the Declaration on Friendly Relations clearly emphasizes on the equality between all peoples and nations in the right of Self-determination.<sup>(6)</sup> Even, it emphasizes again on the principle of territorial integrity, but this was mentioned with the state's obligation to respect this principle. In other words, the obligation was for states more than for the existed peoples within the states, So it could be said that in this declaration the meaning and granting the right of self-determination to indigenous peoples was stronger than previous declarations.

---

<sup>(1)</sup>UN.Charter of the United Nations, 24 October 1945, 1 UNTS I, Article 1 (2), & Article 55, available at: <<http://www.un.org/en/charter-united-nations/index.html>> [accessed 3 Jan 2017]

<sup>(2)</sup> See, supra note 1

<sup>(3)</sup> See, supra note 14

<sup>(4)</sup> See, supra note 1

<sup>(5)</sup> See, supra note 1, (6), (7)

<sup>(6)</sup> UN. G. A. Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, G.A. res. 2625, Annex, 25 UN GAOR, Supp. (No. 28), U.N. Doc. A/5217 at 121 (1970). Available at:

<<http://www1.umn.edu/humanrts/instree/principles1970.html>> [accessed 4 Jan 2017]



Furthermore, self-determination has been admitted to individuals and peoples in many international instruments of human rights in terms of their distinction in race, history, language, culture and religion. This to retain and develop their situations. Also, according to the resolution 1803 of the general assembly in 1962, International law is set to give to all peoples' the right to have an absolute sovereignty over their natural resources and Developing in their life and using them according to their benefits.<sup>(1)</sup>

In addition, self-determination to the people's was also endorsed by the International Court of Justice (ICJ) in the case of (*Western Sahara*) it defined self-determination as people's right to decide about their future economic, social and cultural life<sup>(2)</sup> and protect their identity in the country or areas where live in. As well, self-determination has been recognised by International Covenant on Economic, Social and Cultural Right (ICESCR),<sup>(3)</sup> International Covenant on Civil and Political Rights (ICCPR)<sup>(4)</sup> in 1966, Convention of Eliminating Discrimination in 1966<sup>(5)</sup>, Declaration on Race and Racial Prejudice in 1982<sup>(6)</sup> and UN declaration on rights of indigenous peoples in 2007<sup>(7)</sup>.

---

<sup>(1)</sup>UN.G. A. *Permanent Sovereignty over Natural Resources*, G.A. res. 1803 (XVII), 17 U.N. GAOR Supp. (No.17) at 15, U.N. Doc. A/5217 (1962) 1,2, available at:

<<http://www1.umn.edu/humanrts/instree/c2psnr.htm>> [accessed 4 Jan 2017]

<sup>(2)</sup>*Western Sahara* (Advisory Opinion) [1975] I.C.J. available at: <<http://www.icj-cij.org/docket/files/61/6197.pdf>> [accessed 4 Jan 2017]

<sup>(3)</sup>UN.G. A. *International Covenant on Economic, Social and Cultural Right*. G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, Article 1 available at: <<http://hrlibrary.umn.edu/instree/b2escr.htm>> [accessed 4 Jan 2017]

<sup>(4)</sup>UN. G. A. *The International Covenant on Civil and Political Rights*. G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Article 1 available at: <<http://hrlibrary.umn.edu/instree/b3ccpr.htm>> [accessed 5 Jan 2017]

<sup>(5)</sup>UN.G. A. *International Convention on the Elimination of All Forms of Racial Discrimination*. G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force Jan. 4, 1969, Article 15 available at: <<http://www1.umn.edu/humanrts/instree/d1cerd.htm>> [accessed 5 Jan 2017]

<sup>(6)</sup> UN Doc, E/CN.4/Sub.2/1982/2/Add.1, annex V (1982) Article 3 available at: <<http://www1.umn.edu/humanrts/instree/d2drp.htm>> [accessed 5 Jan 2017]

<sup>(7)</sup>See, supra note 3 articles 3,4



## II. Minorities and Self-Determination in Comparison with Indigenous Peoples

This part attempts to define minority then it explain the minorities' right to self-determination and its difference with indigenous peoples in practicing this right:

### i. Who are Minorities?

There is no any comprehensive definition to cover all minorities<sup>(1)</sup> because of the different situations that minorities have in the countries. Moreover, there are some definitions by scholars such as Francesco Capotorti the Special Rapporteur who stated that the minority is:

"A group numerically inferior to the rest of the population of a state, in a non-dominant position whose members - being nationals of the state - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language"<sup>(2)</sup>

Also, the definitions by the Absjorn Eide<sup>(3)</sup> which both are emphasizing on two elements. Firstly, solidarity between a group of people or citizens because of their language, religion ... secondly, being in non-dominant position.

Finally, to define the minorities officially, the declaration of the minorities rights in 1992 in article 1 introduces minorities as a group of people who have specialties within the territory of state

<sup>(1)</sup>H. Nasic, *Minority Rights Instruments and Mechanisms: Minority Protection along the Conflict Continuum* (EURAC2007)P.8

<sup>(2)</sup>Francesco Capotorti. *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. Geneva UN Center for Human Rights, 1979, UN Doc E/CN. 4/Sub.2/384 /Add.1-7. Para 568, available at: < [http://www.worldcat.org/title/study-on-the-rights-of-persons-belonging-to-ethnic-religious-and-linguistic-minorities/oclc/25219865/editions?start\\_edition=11&sd=asc&se=yr&referer=di&editionsView=true&fq=](http://www.worldcat.org/title/study-on-the-rights-of-persons-belonging-to-ethnic-religious-and-linguistic-minorities/oclc/25219865/editions?start_edition=11&sd=asc&se=yr&referer=di&editionsView=true&fq=) > [accessed 5 Jan 2017]

<sup>(3)</sup>A. Eide, the special rapporteur for the rights of minorities and indigenous peoples, Working definition on minorities, *Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities*, E/CN4/Sub2/1993/34, 10 August 1993, SCPDPM (45<sup>th</sup> Session) He simply defines a minority as a "group of persons in a sovereign State, representing less than a half of the population of this state, whose members have in common ethnic, religious, linguistic characteristics that distinguish them from the rest of the population"



because of their difference in terms of ethnicity, culture, language and religion<sup>(1)</sup> and it obligates states to protect their identity through dealing with them in a manner that consistent with their situation.

However, this definition is not acceptable universally, there is a fact that any definition must include two aims. The first one, is the fact of having a common relationship between a group of individuals because of language and culture... and the second is individuals have to introduce themselves as a member in this group.<sup>(2)</sup> Therefore, this issue is in developing under international law.

## ii. Minorities and Self-Determination

It is the fact that right of self-determination has been declared to all peoples under international law. The beginning was the UN charter then in other instruments who has used the word of (people)s to the owner of this right. This is understood that self-determination is applied to all groups of peoples including minorities while minorities' rights are mostly protected according to the general protection of human rights<sup>(3)</sup>

However, there are some opinions that minorities have right to self-determination to decide freely about their self governing and economic,<sup>(4)</sup> but this by some conditions. Firstly, if the minority was a nation or an (ethnicity), and it has all elements to establish an autonomy government such

<sup>(1)</sup>UN.G.A. *The declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, UN Doc, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993). Article 1 available at:

<<http://www1.umn.edu/humanrts/instrtree/d5drm.htm>> [accessed 1 Jan 2017]

<sup>(2)</sup>UN.OHCHR. *Minority Rights: International Standards and Guidance for Implementation* HR/PUB/10/3, 2010, P. 2 available at: <[http://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf)> [accessed 6 Jan 2017]

<sup>(3)</sup>T. Li-ann. *Resurgent Nationalism and the Minorities Problem: The United Nations & (and) Post Cold War Developments* (2000) 4 Sing. J. Int'l & Comp. L. 300. P. 304-306 available at: <[https://www.researchgate.net/publication/265737505\\_Resurgent\\_Nationalism\\_and\\_the\\_Minorities\\_Problem\\_The\\_United\\_Nations\\_Post\\_Cold\\_War\\_Developments](https://www.researchgate.net/publication/265737505_Resurgent_Nationalism_and_the_Minorities_Problem_The_United_Nations_Post_Cold_War_Developments)> [accessed 6 Jan 2017]

<sup>(4)</sup>I. Tanase. *'Citizenship and National Minorities in Europe*, St. Antony's College, University of Oxford' (January 2003) Sub. 3 available at: <<http://www.sant.ox.ac.uk/esc/esc-lectures/Tanase.htm>> accessed [6 Jan 2017] Also see supra note 9.



as having its own land. Secondly, existing strong reasons for that. For instance, necessity to save their specialty or situation opposit to the majority within states, and if they did not have any opportunity to live with the majority in one state. As a result, the implementation of external self-determination is transfered from international to internal or national implementation within states. Consequently, if minorities want to decide about their situation politically and have self governing like a kind of political autonomy, they must have their own land which is one of the three important elements to establish any governing area. This, after having the people and regulated authority or government to rule the people. Additionally, they could develop their situation and use the sources in their land. But All these should be by freeagreement with the state because of the state's territorial integrity<sup>(1)</sup>

Additionally, any group can request to have an autonomy area if they do not have their own land. In other words, often minorities within any state live in spread, so they can have the internal self-determination and be free in participation and enjoy their rights within their group and according to their distinctions. This is by applying the general protection of human rights article 27 in (ICCPR)1966 <sup>(2)</sup> and under Universal Declaration of Human Rights (UNDHR) 1948 right to save individual's culture, language, and religion <sup>(3)</sup> These all according to right of non-discrimination.<sup>(4)</sup>

---

<sup>(1)</sup>UN.(HRC).CERD. Gen. Rec. No. 21.Fortyeighth session (General Comments) *Right to selfdetermination*.08/23/1996.Paral,4,6.Availableat:<<http://www.tebtebba.org/index.php/all-resources/category/139-b-treaty-regimes-norms-procedures-and-jurisprudence?download=722:cerd-general-recommendation-no-21-right-to-self-determination>> [accessed 6 Jan 2017]

<sup>(2)</sup>b-treaty-regimes-norms-procedures-and-jurisprudence?download=722:cerd-general-recommendation-no-21-right-to-self-determination> [accessed 6 Jan 2017]

<sup>(2)</sup>See, supra note 23, article 27

<sup>3</sup>UN G. A. *Universal Declaration of Human Rights*, G.A. res. 217A (III), U.N.DocA/810at71(1948).Articles2,27availableat:<[http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)> [accessed 7 Jan 2017]

<sup>4)</sup>See, supra note 24, article 5,C



### iii. Difference between Indigenous Peoples and Minorities in the Right of Self-Determination

After the explanation right of self-determination for both indigenous peoples and minorities, it was appeared that there are some differences between them in having and practicing this right:

On the one hand, recognizing this right to indigenous people under international law is so clear in compare with granting this right to minorities. This is because of indigenous People's equality with other peoples and nations,<sup>(1)</sup> as it was mentioned in the purposes and goals of the UN charter.<sup>(2)</sup> Besides, under international law, indigenous peoples have right to decide freely about their life, this through practicing external self-determination because of having all required elements for independence like other states. Also, logically, having the land or living in a specific area is the basic element which differentiates the indigenous peoples with the minorities because the land is necessary to establish and settling any self governing area and to make a kind of solidarity among the members in the group of people.

On the other hand, minorities right to self-determination has been granted under international law, but within the general protection of human rights based on non-discrimination and equality before the law. For instance, in article 26 and 27 in ICCPR<sup>(3)</sup> it was mentioned that this rights practiced through internal self-determination which is political and democratic participation in governing the country to decide about political, economical and social life. The reason for this is because minorities in the countries mostly live in separate, so it is impossible for them to request external self-determination.

Alternatively, if minorities did not have the opportunity to live peacefully with the majority and their rights were violated. Also they are an ethnic group and living in a specific land area within

---

<sup>(1)</sup>UN.(HRC).CCPR General Comment No. 12: Article 1 (Right to Self-determination), *The*

*Right to Self-determination of Peoples*, 13 March 1984. Para 1, 2, 6, 7 Available at: <<http://www.refworld.org/docid/453883f8>  
22.html > [accessed 7 Jan 2017]

<sup>(2)</sup>See, supra note 14 and the preamble of the charter

<sup>(3)</sup>See, supra note 23



the country, they can practice external self-determination right to keep their rights from violations, but this needs the state's satisfy according to an agreement.<sup>(1)</sup>

### Conclusion and Recommendations

In conclusion, initially the right of self-determination has started as a political concept for the peoples' right to save their identity and to decide freely their political, economic and cultural life. The concept was developed internally after political maturity after both the French revolution and independence of America. Then, there were requests to provide the right to peoples to have sound and participate in the strategic decisions inside states. This is through democratic process and having representatives. Later on, during both the League of Nations and United of Nations this concept was developed, and became a legal rule in the UN Charter and a principle in the international human rights instruments.

According to the principle of equality between nations, indigenous peoples have the right of self-determination to develop and decide freely their political and economical life and to keep using their land resources. This right is external self-determination in accordance to the equality between peoples and nations which was declared in the UN Charter and it has been accepted by all states.

Additionally, minorities such as cultural, religious, and ethnic groups have the rights to develop their situations and identity also to have equal participation in political and economical life. This is called internal self-determination, which is based on right of non discrimination. Moreover, external self-determination too can be applied to minorities by some conditions. If they are an ethnic group and have their own land which is necessary to establish any political petrification, also they are logical reasons for this such as nessesity to save their specialty, but this with consider to state's satisfaction.

Finally, for practicing external self-determination by both indigenous peoples and minorities, it is necessary that they have convincing reasons such as, existince of violating their rights or no opportunity to live peacefully inside the state. As a resule of this research, I sugest that both international law and international human rights law shoul confirm the righ to self-determination

---

<sup>(1)</sup>See, supra note 32



to indigenous peoples more than before. Besides, the international community has to assist indigenous peoples to bring back their origin rights and life also to keep them from melting and extinction.

## References

### Conventions

1. UN. *Charter of the United Nations*, 24 October 1945, 1 UNTS I, available at <<http://www.un.org/en/charter-united-nations/index.html>> [accessed 3 Jan 2017]
2. UN. G. A. *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc A/810 at 71 (1948) available at: <[http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf)> [accessed 7 Jan 2017]
3. UN. G. A. *The Declaration on the Granting of Independence to Colonial Countries and Peoples*, G.A. Res. 1514 (XV), 15 U.N. GAOR Supp. (No. 16) at 66, U.N. Doc. A/4684 (1960) available at: <<http://www1.umn.edu/humanrts/instate/c1dgiicp.htm>> [accessed 1 Jan 2017]
4. UN. G. A. *The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities*, G.A. Res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, UN Doc. A/47/49 (1993) available at: <<http://hrlibrary.umn.edu/instate/d5drm.htm>> [accessed 1 Jan 2017]
5. UN. G. A. *The Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/47/1 (2007). Available at: <<http://hrlibrary.umn.edu/instate/declaration.html>> [accessed 2 Jan 2017]
6. UN. G. A. *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*, G.A. res. 2625, Annex, 25 UN GAOR, Supp. (No. 28), U.N. Doc. A/5217 at 121 (1970). Available at: <<http://www1.umn.edu/humanrts/instate/principles1970.html>> [accessed 4 Jan 2017]



7. UN Doc, *International Labour Organization (ILO), Indigenous and Tribal Peoples Convention*, C169, 27 June 1989, C169, available at: <  
<http://www.refworld.org/docid/3ddb6d514.html> > [accessed 3 Jan 2017]
8. UN.G. A. *Permanent Sovereignty over Natural Resources*.G.A. Res. 1803 (XVII), 17 U.N. GAOR Supp. (No.17) at 15, U.N. Doc. A/5217 (1962)available at:<  
<http://www1.umn.edu/humanrts/instree/c2psnr.htm>> [accessed 4 Jan 2017]
9. UN.G. A. *International Covenant on Economic, Social and Cultural Rights* G.A. Res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976, available at: <  
<http://hrlibrary.umn.edu/instree/b2esc.htm> > [accessed 4 Jan 2017]
10. UN. G. A. *The International Covenant on Civil and Political Rights* G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Available at:  
<<http://hrlibrary.umn.edu/instree/b3ccpr.htm>> [accessed 5 Jan 2017]
11. UN. G. A. *International Convention on the Elimination of All Forms of Racial Discrimination* G.A. Res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force Jan. 4, 1969, available at:  
<<http://www1.umn.edu/humanrts/instree/d1cerd.htm>> [accessed 5 Jan 2017]
12. UN.OHCHR.*Minority Rights: International Standards and Guidance for Implementation*HR/PUB/10/3, 2010 available at:<  
[http://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf)>[Accesse 6 Jan 2017]
13. UN. E/CN.4/Sub.2/1982/2/Add.1, annex V (1982) available at:  
<<http://www1.umn.edu/humanrts/instree/d2drp.htm>> [accessed 5 Jan 2017]
14. UN. E/CN 'Report of the Working Group on Indigenous Populations on its fifteenth session' E/CN .4/Sub.2/1997/14(Geneva, 28 July-11



August 1997) available at: <<https://documentsddsny.un.org/doc/UNDOC/GEN/G97/133/70/PDF/G9713370.pdf?OpenElement>> [accessed 3 Jan 2017]

15. UN.(HRC).CERD.- Gen. Rec. No. 21. Forty-eighth session (General Comments) *Right to self-determination* 08/23/1996. Available at:  
<[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/dc598941c9e68a1a8025651e004d31d0?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/dc598941c9e68a1a8025651e004d31d0?OpenDocument)> [accessed 7 Jan 2017]

16. UN.(HRC). CCPR - General Comments CCPR General Comment No. 12. *The right to self-determination of peoples* (Art. 1) Twenty-first session, 03/13/1984. Available at:  
<[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f3c99406d528f37fc12563ed004960b4?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f3c99406d528f37fc12563ed004960b4?OpenDocument)> [accessed 7 Jan 2017]

#### Cases

1. *Western Sahara* (Advisory Opinion) [1975] I.C.J. available at: <<http://www.icj-cij.org/docket/files/61/6197.pdf>> [accessed 6 Jan 2017]

#### Books and Journal articles

1. Cassese A, *Self-Determination of Peoples: A Legal Reappraisal* (Cambridge University Press 1998).
2. Cobo J. R.M, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UN Doc. *Report of the Working Group on Indigenous Populations* on its fifteenth session. E/CN.4/Sub.2/1982/2/Add.6. available at : <[http://www.un.org/esa/socdev/unpfii/documents/MCS\\_v\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/MCS_v_en.pdf)> [accessed 2 Jan 2017]
3. Eide, A., the special rapporteur for the rights of minorities and indigenous peoples, Working definition on minorities, *Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities*, E/CN.4/Sub.2/1993/34, 10 August 1993, SCPDPM (45<sup>th</sup> Session)



4. Francesco Capotorti. *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. Geneva UN Center for Human Rights, 1979, UN Doc E/CN.4/Sub.2/384/Add.1-7. Para 568, available at: < [http://www.worldcat.org/title/study-on-the-rights-of-persons-belonging-to-ethnic-religious-and-linguistic-minorities/oclc/25219865/editions?start\\_edition=11&sd=asc&se=yr&referer=di&editionsView=true&fq=](http://www.worldcat.org/title/study-on-the-rights-of-persons-belonging-to-ethnic-religious-and-linguistic-minorities/oclc/25219865/editions?start_edition=11&sd=asc&se=yr&referer=di&editionsView=true&fq=) > [accessed 5 Jan 2017]
5. International Work Group For Indigenous Affairs, (IWGIA), Frontpage ,culture and Identity ,Identification of Indigenous Peoples, *Who are the indigenous peoples?* Available at: <<http://www.iwgia.org/cultureandidentity/identificationofindigenouspeoples>> [accessed 3 Jan 2017]
6. Li-ann T, 'Resurgent Nationalism and the Minorities Problem: The United Nations & (and) Post Cold War Developments' (2000) 4Sing.J.Int'l&Comp.L.300. Available at: <[https://www.researchgate.net/publication/265737505\\_Resurgent\\_Nationalism\\_and\\_the\\_Minorities\\_Problem\\_The\\_United\\_Nations\\_Post\\_Cold\\_War\\_Developments](https://www.researchgate.net/publication/265737505_Resurgent_Nationalism_and_the_Minorities_Problem_The_United_Nations_Post_Cold_War_Developments)> [accessed 6 Jan 2017]
7. Musgrave TD, *Self-Determination and National Minorities* (Oxford University Press 2000).
8. Nasic H, *Minority Rights Instruments and Mechanisms: Minority Protection along the Conflict Continuum* (EURAC 2007).
9. Pomerance M, 'United States and Self-Determination: Perspectives on the Wilsonian Conception, The' (1976) 70 Am.J.Int'l L. 1.
10. Tanase, I. 'Citizenship and National Minorities in Europe, St. Antony's College, University of Oxford' (January 2003) Available at: <<http://www.sant.ox.ac.uk/esc/esc-lectures/Tanase.htm>> accessed on [6 Jan 2017].