

Convention for the Protection of the Architectural Heritage of Europe. Granada, October 3, 1985.

European Convention on the Protection of the Archaeological Heritage. Valletta, January 16, 1992.

European Landscape Convention. Florence, October 20, 2000.

### **Organization of American States**

Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations. Santiago, June 16, 1976.

- Article 1

*"The purpose of this Convention is to identify, register, protect, and safeguard the property making up the cultural heritage of the American nations in order: ... (b) to promote cooperation among the American states for mutual awareness and appreciation of their cultural property. "*

### **United Nations Declaration on the Rights of Indigenous Peoples**

#### **Article 8**

*1. Indigenous peoples and individuals have the right not to be subjected to ...destruction of their culture.*

*2. States shall provide effective mechanisms for prevention of, and redress for:...*

- a. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;.....*

#### **Article 25**

*Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*

#### **Article 26**

1. *Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.*
2. *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.*
3. *States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.*

#### **Article 32**

1. ***Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.***
2. *States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent **prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.***
3. *States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.*

All of these Articles of DRIP entrench the rights of indigenous peoples under international law to the continuing use of and control over their traditional lands, waters and resources. Article 32 also protects the right to be involved prior to approvals such as World Heritage status and supports Aborigines developing management plans in respect of their land.

#### **ILO Convention 169**

- Article 13
  1. *... governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.*
  2. *The use of the term **lands** in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.*
- Article 14
  1. *The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard **the right of the peoples concerned to use lands not***



*exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.*

- 2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
- 3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.
- Article 15
- 1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. **These rights include the right of these peoples to participate in the use, management and conservation of these resources.**
- 2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.
- **International Covenant on Civil and Political Rights**
  - **Article 1**
  - 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  - 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
  - 3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

This Article supports Aboriginal people having a say as to how their culture is protected and managed.