

Analysis Of The Legal Frameworks Of Indigenous People's Rights Over Their Natural Resources And The Impacts of Extractive Industries

Monirul Islam¹ and Moin Uddin²

¹LL.B. (IIUC), LL.M. (JU) & LL.M. (Master of Laws) Faculty of Law,
University of Malaya, Malaysia

²PhD Candidate, Faculty of Law, University of Malaya, Malaysia. LL. B
(Honours) & Master of Comparative Laws, International Islamic University
Malaysia.

Email: moiniium@gmail.com

Abstract

Extractive industries are gradually demolishing indigenous people's lands for collecting natural resources including gold, iron, copper, oil, coal and other natural minerals, from the earth though some international conventions protect their rights. Over the past decades, many international conventions had recognised some legal rights of indigenous people over their lands and also developed some legal protections to safeguard those rights. This paper aims to examine some international legal frameworks of indigenous people's rights over their natural resources and analyse some significant impacts of the extractive industries on the legal rights of indigenous people over their lands. The qualitative doctrinal research method has been employed to find out the data and analyse them. This study has identified that human rights risks are linked with mining, oil, and gas extraction falling unreasonably on indigenous people. This research has found that extractive industries violate the UNDRIP and the ILO (convention 169) conventions by taking possession of the lands of indigenous people and extracting natural resources from their lands. This paper has settled by recommending, among other things that the UNDRIP and the ILO (convention 169) take the incentives to progress a region wide framework for extractive industries where the human rights of indigenous people are well protected specially the rights of their lands.

Keywords: Indigenous People's rights; Extractive Industries; Natural Resources; International Conventions.



Introduction

Indigenous people have the ownership rights over their lands. There are various significant improvements have been taken place in the State practices as well as in international laws regarding indigenous people's rights of having ownership on lands, regions, territories and natural resources. In many situations, these improvements indicate greater recognition of the right of indigenous people to have power over their landed properties, resources as well as territories and to their right to decide with regards to their development and use. These rights ensure the ownership rights of indigenous people over their lands (Zingg, D., et al, 2012).

On the other side, a study of the World Bank had revealed that the territories of indigenous people or their societies are currently targeted by companies and governments (Daes, Erica-Irene 2002). Up till now, these experiences have been most of the time negative to a level in which the extensive forceful collection of indigenous land for extractive projects, comprising cataloguing and farming for business purposes, have originated to be known as "development aggression" by indigenous people or their societies (Anongos, A. et al).

Extractive industry is a one kind of business where raw materials like coal, gold, copper, iron and other elements are taken from earth. In this way, that extractive industries contain pumping, mining plus drilling. The industrial processes for extracting minerals include drilling and pumping, quarrying, and mining. Based on the nature of natural , extractive industries can be divided into two sectors: mining, and oil and gas. Therefore, extractive industries are considered one of the measures that threaten the right of indigenous people over their natural resources. It is found that in a recently published independent study done by the World Bank which stated that extractive industries have been increasing in indigenous people without providing guarantees of land rights and make public disorder (Daes, Erica-Irene 2002).

Extractive Industry is the main culprit for demolishing rights of indigenous people. According to a report of First Peoples Worldwide 2013 which stated that 40% of the ongoing projects and close to 80% of upcoming projects had already affected or have possible chances of impacting the Indigenous people in the upcoming years. Therefore, the aim of this study is to solve the impacts on indigenous peoples which is occurred by the extractive industries. It will also show the legal framework on the right of aboriginal people over their natural resources including recommendations. The qualitative doctrinal research method has been employed to find out the data and analyse them.

International Legal Framework of the Right of Indigenous People Over Their Natural Resources

Indigenous people enjoy many rights which are documented in different international conventions. In order to understand their rights and implement them under municipal laws, it is very important to comprehend the implication of some significant international conventions like the Indigenous and Tribal People Convention 1989 (ILO Convention 169), The United Nations Declaration on the Rights of Indigenous Peoples 2007 (UNDRIP) and the Convention Biological Diversity 1992 (CBD).

A. Indigenous people's Rights under Indigenous and Tribal Peoples Convention 1989

The Indigenous and Tribal Peoples Convention 1989 plays a significant role to protect rights of indigenous people all over the world. This convention is also known as the ILO-convention 169. It is the chief binding international convention regarding the rights of indigenous people. This Convention adopted some provisions regarding the right of indigenous people over their land and natural resources such as; the right of indigenous people over their natural resources is recognised in ILO Convention 169 under Article 14 which states "The rights of ownership and possession of indigenous peoples over the lands which they traditionally occupy shall be recognised."

Moreover, this convention contains important provisions for indigenous people for controlling nature and natural resources. For instance, article 15 of the Convention mentions about the rights of indigenous people where paragraph 1 says "The rights of the peoples concerned to the natural resources on their lands shall be specifically safeguarded. These rights include the right of these peoples to participate in the use, management, and conservation of these resources."

This Convention also demonstrates the indigenous right to control and manage their lands. Among other things, Article 7 of the Convention guarantees lands rights of indigenous people. As it reads;

"The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development."

The nature of the above Article ensures the ownership rights of indigenous people's rights over their lands. However, it should be noted here that the ILO convention 169 remains silent as there is no absolute term regarding the ownership of mineral or sub-surface resources within indigenous

lands while recognising the right of the states. It is, therefore, suggested that the practical workout of the ILO convention can be implemented in the state level as a precondition that the state authority will discuss with indigenous people for permission for using their lands for extracting natural resources.

B. Indigenous people's Rights under the UNDRIP in 2007

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is recognized through the specific rights in 2007 as well as it is approved by the General Assembly of the UN. These rights consist of self-determination rights and lands, even resource rights, whereas extractive industries should consult with indigenous people in good faith so that they enter on indigenous land by keeping their free and informed consent which gain mutual benefits.

Nevertheless, the individual rights and the rights of indigenous people over natural resources are also recognised in the treaties of regional human rights. Moreover, under the American Convention and the African Charter on Human Peoples' Rights (African Charter), the collective rights of indigenous peoples to land and natural resources are documented (Inter-American Commission on Human Rights, 2010).

C. Indigenous people's Rights under the Convention Biological Diversity 1992 (CBD)

Victoria Tauli-Corpuz (2003) has pointed out that the CBD is implemented to progress the preservation of biological diversity, justifiable use of its mechanisms, and the reasonable sharing of assistance arising out of the application of genetic resources. Article 8 of the CBD says each contracting party shall reserve, respect, and practice of indigenous people regarding national legislation. However, Article 15.1 of the CBD prioritises the rights of the sovereign authority over indigenous people as it provides "Recognising the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with national governments and is subject to national legislation."

From the practical observation of the CBD, it can be noticed that most of the countries do not follow the CBD rules. For example, Malaysia is a party of the CBD, but Malaysia does not follow CBD articles because of Kayan's struggle with the government of Sarawak in the 19th century counterparts' recent conflicts with the government, largely positioned on land (Weinlein, 2017). Nevertheless, According to Dr. Ramy Bhulan (2010), In 1994, Malaysia approves the Convention on Biological Diversity (CBD) where the Article 8 (j) says that "respect, preserve and maintain knowledge, innovations, and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity."

Malaysia recognizes the convention in its state rule on biological diversity in 1998 and enacts its own law on access to biological resources. Malaysia is a participant in universal consultations and the design of an ASEAN Framework Agreement for accessing the biological resources. Nevertheless, beneath the national law, indigenous people can be involved in the stakeholder discussions or consultations while they come under provisions and there is no indication of the native contribution in the policymaking body.

However, there are some provisions in the CBD which curb these possible conflicts of rights. For example, Article 8 (j) does not openly identify the rights to acquaintance as well as does not connect with resources and territorial rights. Furthermore, there is a challenge for the subject to national legislation. The question arises if there is no prevailing state legislation that provides recognition of the aborigine people's rights, how their rights can be protected.

In most of the countries, there is no municipal legislation where rights of indigenous people are well protected and recognised by practice (Dr. Ramy Bhulan, 2010). However, Dr. Ramy Bhulan (2010) has also described that fights between national awareness or interest and the declaration rights of native people to have director are continuously in the depiction over their resources.

The Impact of Extractive Industries on the Indigenous People

Extractive Industries is considered as the main culprit for threatening the life and existence of indigenous people. Some dangerous impacts of extractive industries on indigenous people are discussed in this section to highlight them to respective state authorities to take necessary steps to overcome them:

A. Violating the Right to Get a Satisfactory Standard of Living

Regardless of some good instances of initiatives by industries, the common picture of obstructive indigenous based industry associations is one that leads to conflict and most times ends up in violence. For example, when indigenous people's lands are discovered for extracting natural resources, they are not given appropriate value for their lands. In this situation, the interest of the state is prioritised over the specific group of people. Therefore, it might lead to violence in the state. Besides that, the exploitations of human rights are linked to the exploring and exploiting of resources that cannot be renewed so of which are, among others, violating the right to life, forcefully displacing and destroying the environment where Indigenous people depend on.

In addition, the primary effect of extractive industries is related to losing of land and territories, removal, migration and final re-settlement,

reduction of needed resources for ethnic and physical survival, damage and polluting of the indigenous surroundings, disorganised community and societies, long-lasting bad health and dietary impacts and, in some situations, violence, and harassments (Stavenhagen, 2003). These effects violate basic human rights as extractive industries force people to shift from their permanent settlement.

B. The Environmental and Economic Impacts

The environmental pollution is considered a major issue in the effects of extractive industries. It is highlighted that ecosystems destruction and degradation instances caused by extractive industries. The establishment of extractive industries expense a big amount of money which effects in the economy of relevant people. Also, the usual bad effects of the environment that were retrieved from the feedbacks included land and water pollution as well as the destruction of indigenous fauna and flora (South-North Development Monitor (SUNS), 2011). With regards to the damaging effects of water resources extractive-operations, it was discovered that the damaging and contaminating of the water resources has had effects that were harmful to the accessible water used for farming, cattle grazing, and drinking, and has also caused some negative impacts on traditional fishing among other activities, especially in natural habitations that are delicate. For instance, the Philippines government defined an “open-pit mining operation” in the province of Banquet, where the operations left a land full of waste where “no fresh fish could ever be found in creeks and rivers (South-North Development Monitor (SUNS), 2011).”

C. Socially and Culturally Impact

The extractive industry operations harm the Indigenous people’s social setups and cultures, especially when such operations lead to loss of natural resources and landed properties upon which the indigenous societies have relied on traditional. In situations of that kind, the survival of Indigenous people groups can be jeopardised by the extraction of resources because they are arranged to shift to a completely new place which has different cultures. They also need to inhabit in a new tradition which has no connectivity with their traditional inhabitation (Alanis, 2013). Therefore, they might be misjudged in a completely new culture. The mobilisation from native cultural values is the serious factor determining cultural modification (Ciaran, 2013: 20-30). Nevertheless, numerous indigenous and non- governmental administration’s reports focus on the migration of original people from their traditional lands – by taking lands or environmental degradation, whereas it is

caused extraction projects and impacts on indigenous social and cultural structures.

The Impacts of Extractive Industries on Violation of Human Rights

Extractive Industries violate various rights of indigenous people. They seriously infringe several human rights issues which need to be protected for the better living of the indigenous people all over the world as followings:

A. Forced Displacement

Extractive industries include mining, oil, and gas projects which cover areas including roads, accommodation as well as offices (Burger, 2014: 4-31). According to Burger (2014), extractive industries remove the plethora of indigenous people from their lands against their free consent. This unexpected example can be seen in Bangladesh where between 50,000 and 130,000 people are threatened forcibly because of remaining the Phulbari coal mine project area including entire villages of tribal Mahili, Pahan, Munda, and Santal, where potential human rights violations are noticed (Burger, 2014). According to Erica Borg (2017), “Extractive projects often require the development of vast land areas, including infrastructure projects in the surrounding areas to ensure access to extraction sites. Often, such projects on the lands of Indigenous people’s force-displacement of the communities concerned.”

B. Discrimination against Women

Extractive industries violate the human rights and carry undesirable effects to the life of the indigenous people. Women are facing difficulties by extractive operation like oil mining activities as they are not generally employed in this sector (Barcia, 2017). The burdens of women have been increased at the time when they loss their lands for extracting natural resources and at the time when they are only bread winners for their family (Oxfam Australia, 2009). Presently, community movement is also mainly onerous for most women (Jenkins, 2014: 329-339). However, the industries have importantly enlarged their work according to a network of indigenous women, for example, in Bolivia women are endangered by extractive industries and violated human rights by outside workers too.

C. A Future of Climate Change

At contemporary time, climate change and global warming are increased (Anongos, A.et al). Global warming can be severely caused by extractive industries (Burger, 2014). Burger (2014) also highlighted that the

large types of companies make climate change issues like Broken Hill Propriety Company Ltd. (BHP) and Rio Tinto company. Nonetheless, climate change is occurred by extractive industries when they use their tools and instruments on indigenous area for recovering their benefits by digging land. (Cameron, 2012: 103-114). If these activities are continued by extractive industries, climate change will be overwhelming changed in future all over the world.

D. Economic Issues

Extraction and processing of minerals are, however, connected with problems regarding several environmental, economic, and social issues (Azapagic, 2004: 639-662). Livestock animals are faced for destroying in water and air. The agricultural activities which are normally destroyed due to mining. Thus, the economic issues effects on indigenous people for resource extraction (Mark, 2015). The UN Human Rights Committee said that the state's freedom to encourage economic development is restricted by obligations under international human rights laws (I. Lansman et al. vs. Finland (Communication No. 511/1992), CCPR/C/52/D/511/1992, 10).

E. Internal Conflicts

It is seen that extractive companies provide benefits to the leaders of the indigenous people for making mining purposes when Community members make a role contrasting positions regarding the perceived benefits of resource extraction. Consequently, social conflict appears between indigenous people, and economic aids are moved directly to individuals which are against violation of human rights as well as common interest of the indigenous people. For instance, extractive industries generated the infiltration of indigenous territories in Colombia. On the other hand, aboriginal people are treated by extractive industries in the said by Jorge Monras (2017).

Case Study about the Protection of Land Rights of Indigenous People

There are numerous cases can be found in worldwide about the protection of lands rights of indigenous people. The cases describing in this section are from some countries which are members of ILO, UNDRIP and CBD. The decisions of the cases were acknowledged rules of the stated conventions. For instance, in the case of Adong bin Kuwau v Kerajaan Negeri Johor [1997] 1 MLJ 418, the Malaysian High Court recognised the claim of indigenous people title doctrine. It is noticed that this case is the first case where *Orang Asli* are known as indigenous people in Malaysia. They challenge their lands successfully when they are deprived of their land rights. Orang Asli

must contain the common law rights to their inherited lands. It is said by the decision of the Court that there is a legal right of indigenous people according to the provisions the provisions of the Aboriginal Peoples Act 1954 of Malaysia and a constitutional right under the Federal Constitution. However, the court said that those rights are the ‘complementary’ rights and should be looked at conjunctively.

Adong was followed by *Nor Nyawai & Ors v Borneo Pulp Plantation Sdn Bhd. & Ors* [2001] 2 CLJ 769, a case dealing with the NCRs of native Iban whose lands were affected by a tree plantation in Sarawak (Bulan, 2007: 54-78).

In addition, in the case of *Sagong Tasi & Ors v Kerajaan Negeri Selangor* [2002] 2 MLJ 591, the land of indigenous people is affected by the construction of the highway in Kuala Lumpur airport. However, this case and another deal with the interaction of common law, statutory provisions, the customary observes and practices of the indigenous communities complicated, and the appreciation of those rights under the Federal Constitution of Malaysia relating to land rights of native people.

However, it can be observed that no government follows indigenous people concerning the issue of oil and mining purposes. A good illustration of this is in the decision of *Alexkor Limited and the Government of South Africa v. The Richtersveld Community and Others* (CCT19/03) [2003] ZACC 18; 2004 (5) SA 460 (CC); 2003 (12) BCLR 1301 (CC) (14 October 2003) where the court ruled that ownership of the subsurface resources is consulted with the indigenous community. It was acknowledged in this case that land ownership is documented by the indigenous law of the community, and that resources cannot be taken by anyone.

Following the decision of the Inter-American Court of Human Rights in *Saramaka People v. Suriname* No 185, IHRL 3058 (IACHR 2008), limitations of native people’s rights and resources are acceptable only when the state takes effective participation of indigenous people members, in conformity with their customs and traditions, vis-à-vis any progress or development, survey or extractive plan. The states need to provide Guarantees that indigenous peoples receive profit for such plan of the government from indigenous territories. No concession should be issued within indigenous peoples’ area unless and until self-determining and theoretically skilled objects, with the State’s supervision, achieve a prior ecological and social impact valuation.

Recommendations on Protection of Land Rights of Indigenous People

Indigenous people are struggling continuously for recognition of their rights along with land rights nationally and internationally. They mostly fail to protect most of their rights through national laws as the laws do not provide proper protection to rights of indigenous people. To safeguard their rights, the

municipal laws must ensure the full and real participation of aboriginal people in negotiations regarding their land right issues through the growth of national and international action tactics and strategies. Therefore, extractive industries can be implemented by the best solutions as follows:

A. Reformation of Domestic Laws

The government and extraction related companies can make a consultation with indigenous people regarding the action of the natural resources of extraction plans that affect them. For resolving their issues, the international and domestic laws can keep the pragmatic role to ensure justice for the affected parties. This need will identify problems facing by the indigenous people and will provide effective answers to their problems. It is also recommended that domestic laws should be reformed or amended in line with international laws when indigenous people will make complains that a domestic framework makes barriers on their land by the extractive industries and their rights are violated. In this situation it can be claimed that the government authorities are responsible for violating land rights of indigenous people because they mostly indicate that there is a positive benefit of extractive projects for native peoples and others in the areas where they work (South-North Development Monitor (SUNS) #7223, 2011).

B. State Responsibilities

The States who ratified the international conventions namely the ILO 169, UNDPPIR, CBD should keep the outlines of domestic laws in line with the conventions that protect the indigenous population's rights to customary ownership, controlling over their lands. They must also recognise the authority of native inhabitants in those methods to progress, achieve, preserve their possessions according to their customary institutions and laws. They need to comprise as followings:

- a. Should ratify frameworks and improve human rights safeguards, but not limited to ILO convention 169, UNDPPIR, CBD, and other international conventions;
- b. Should support the indigenous population's efforts for developing economic problem's alternatives to extractive industries; and
- c. Need social, cultural, and human rights influence valuations to be accepted for all extractive industry projects impacting indigenous populations, whereas assessment should be observed to ensure occupied obedience at all stages of the scheme or project and regulatory framework which incorporated in international standards for protecting indigenous people's rights that rights must be protected by the government and corporate actors (Anaya, 2015: 109).

C. International Financial Institutions

This recommendation has formed for the States to ask international financial institutions to provide funds to the ingenious people for their social and economic development. Without having support from the State authorities, it might be difficult to achieve funds from an international financing organisation as almost all financing authorities will ask for security for their funding. This kinds of helps can be held financial support, security, right-based approach, including ownership, and benefits too from natural resources.

D. National Human Rights Institutions and Business Enterprises

It is also recommended that the national and international human rights groups who are working for the establishment of the common benefits of the people should keep outlines that the indigenous people as well as extractive industries must obey the laws and policies both regionally and internationally to formulate a good mechanism which establish their mutual benefits. They should receive human rights violation issues and investigate whether human rights violation procedures are resulted under the human rights mechanism or not and should create awareness of how they can find out their rights including redress and land rights.

Additionally, the national human rights laws should accordingly follow international laws so that indigenous people get their original rights in proper. A good illustration of this is that Malaysia is protecting aboriginal title rights by following international human rights law and various decided cases as well (Islam, 2019: 167-173).

In addition, business enterprises and extractive industries should follow the international legal frameworks. They should keep option for indigenous people to try to find something positive for their communities out of the disaster left behind by the extraction of oil, mineral, and other resources in their traditional territories (Islam, 2019). Extraction industries may share their business profits with indigenous people overcome their problems. For example, the plethora of businessmen agree to share the profits with indigenous people, which is earned by extractive industries (Islam, 2019). Additionally, the resources companies can be bound to give compensation and share the benefit of resource developers (O’Faircheallaigh, and Saleem Ali, eds. 2017).

Therefore, it is believed that to protect the lands rights of indigenous people, the respective authorities related to extraction industries should keep an option for consultation with indigenous people at the time of planning extraction projects. The consultation should come out with an agreement which should contain the achievement objectives and permission to the projected procedures as mentioned in Article 6 of the ILO convention 169.

Conclusion

Extractive industries are causing some dangerous impacts in the lands rights of indigenous people in many countries over the world. The ILO convention 169, UNDP/IR, CBD have taken some necessary steps to protect indigenous people's rights in their lands. The recommendations could be summarised that national and international human rights organisations should take considerable responsibilities through the states for protecting the rights of indigenous people's lands. As a result, during the term of national progress, the States cannot misuse the rights of indigenous people (Anongos, et al, 2012: 1-415). This basic principle reaffirmed at the 1993 Vienna World Conference on Human Rights where it is said that the lack of development may not be invoked to justify the abridgement of internationally recognised human rights (Anongos, 2012). Therefore, extractive industries should not break fundamental rights of indigenous people while they are caring their extraction projects. Their rights should be protected with proper awareness, and local and international human rights laws should be reformed if they fail to keep proper protection of the rights of indigenous people over their lands.

To sum up, the extractive industries are definitely necessary for industrial development of a country, but they must be continued with minimising danger and protecting land rights of indigenous people.***

References

- Anaya, James, 2015, Report of the Special Rapporteur on the Rights of Indigenous Peoples on Extractive Industries and Indigenous People, *Ariz. J. Int'l & Comp. L.*, 32.
- Anongos, A. et al, 2012, Pitfalls & Pipelines Indigenous Peoples and Extractive Industries, Tebtebba Foundation, Retrieved from https://www.iwgia.org/images/publications/0596_Pitfalls_and_Pipelines_Indigenous_Peoples_and_Extractive_Industries.pdf (accessed December 26, 2020).
- Azapagic, Adisa, 2004, Developing a framework for sustainable development indicators for the mining and minerals industry, '12 (6)', *Journal of cleaner production*.
- Bhulan, Ramy, 2010, Indigenous Peoples and the Right to Participate in Decision Making in Malaysia, International Expert Seminar on Indigenous Peoples and the Right to Participate in Decision-Making, Chang Mai, Thailand.
- Bulan, Ramy, 2007, Native Title in Malaysia: A 'Complementary' sui Generis Proprietary Right Under The Federal Constitution, *Australian Indigenous Law Review* 11 (1).

- Cameron, Emilie S., 2012, Securing Indigenous politics: A critique of the vulnerability and adaptation approach to the human dimensions of climate change in the Canadian Arctic, '22 (1)', Global environmental change.
- Daes, Erica-Irene, 2002, An Indigenous Peoples Permanent Sovereignty over Natural Resources, UN.
- Erica, Borg, 2017, Extractive Industries, Indigenous Peoples' human rights, and Parliaments, Blog, Retrieved from <https://agora-parl.org/interact/blog/extractive-industries-indigenous-peoples-human-rights-and-parliaments> (accessed December 25, 2020).
- First Peoples Worldwide, 2013, Indigenous rights risk report for the extractive industry (US), Preliminary Findings 5.
- Hill, Christina, and Kelly Newell, 2009, Women, communities and mining: The gender impacts of mining and the role of gender impact assessment, Oxfam Australia.
- ILO Convention 169.
- Inmaculada, Barcia, 2017, Women Human Rights Defenders Confronting Extractive Industries An Overview of Critical Risks and Human Rights Obligation, AWID and Women Human Rights Defenders International Coalition. Retrieved from https://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf (accessed December 24, 2020).
- Inter-American Commission on Human Rights, 2010, Indigenous and Tribal Peoples' rights Over Their Ancestral Lands and Natural Resources: Norms And Jurisprudence of The Inter-American Human Rights System, American Indian Law Review 263.
- Islam, Monirul, 2019, Compare the approaches to recognition, proof, and content of aboriginal title in Australia and Canada and to what extent have the Malaysian court decisions reflected either one or both of these approaches'?, International Journal of Law, 5(5).
- Jenkins, Katy, 2014, Women, mining and development: an emerging research agenda, The Extractive Industries and Society 1.2.
- Julian, Burger, 2014, Indegenious People Extractive Insudtries and Human Rights, Human Rights Centre, University of Essex, United Kingdom at 09.
- Mark, Kernan, 2015, The Economics of Exploitation: Indigenous Peoples and the Impact of Resource Extraction, Counter Punch, Retrieved from <https://www.counterpunch.org/2015/08/20/the-economics-of-exploitation-indigenous-peoples-and-the-impact-of-resource-extraction/> (accessed December 20, 2020).
- O'Faircheallaigh Ciaran, 2013, Extractive industries and Indigenous peoples: A changing dynamic?' (2013) Journal of Rural Studies, 30.

- O’Faircheallaigh, Ciaran, and Saleem Ali, eds., 2017, *Earth matters: Indigenous peoples, the extractive industries and corporate social responsibility*, Routledge.
- Olivares Alanis, Efren C, 2013, *Indigenous Peoples’ Rights and the Extractive Industry: Jurisprudence from the Inter-American System of Human Rights*, 5 *Goettingen J. Int’l L.* 187.
- South-North Development Monitor (SUNS), 2011, *Extractive industries’ impact on indigenous peoples.* #7223.
- South-North Development Monitor (SUNS) #7223, 2011, *Extractive industries’ impact on indigenous peoples*, Retrieved from https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=2ahUKEwiM9PKpttfeAhUKM48KHQM6ArMQFjAFegQIBRAC&url=https%3A%2F%2Fwww.twn.my%2Ftitle%2Fhumanrights%2Findigenous%2F7223_HR.doc&usg=AOvVaw1UN9MrwUYVAfd-ksXda9G0 (accessed December 21, 2020).
- Stavenhagen, Rodolfo, 2003, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, United Nations, New York.
- Tauli-Corpuz, Victoria, ‘Biodiversity, 2003, *Traditional Knowledge and Rights of Indigenous Peoples’ Third World Network: Jutaprint 2 Solok Sungei Pinang 3, Sg. Pinang 11600 Penang, Malaysia*, Retrieved from <https://www.twn.my/title2/IPR/pdf/ipr05.pdf>. (accessed December 26, 2020).
- The Convention Biological Diversity (CBD).
- UN Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007.
- Weinlein, E., 2017, *Indigenous People, Development and Environmental Justice: Narratives of the Dayak People of Sarawak, Malaysia*, *EnviroLab Asia*, 1(1), 6.
- Zingg, D., et al, 2012, *Natural Resource use and Indigenous Peoples*, *International Committee for Indigenous People of the Americas*, Retrieved from https://incomindios.ch/en/wp-content/uploads/2012/07/Final_Themenheft_Incomindios-.pdf (accessed December 26, 2020).