



D<sup>3</sup> Lmov Kuguj m`m`e>` Aw` evmx RvZtMvöxmgñi msvewabK `xkuzi j`f` msvewab mstkvabri Lmov cõvevej x cõZ Kti 13 AvM÷ 2010 ivRv t` evkxl ivtqi evmfeþb Avgv`i mvt\_ gZwebgg mfvq wgvj Z nb| D<sup>3</sup> %eVtK Avtj vPbv-chfj vPbvi ci LmowU Avtj Dbz Kiv nq| D<sup>3</sup> `evtK t`tki wevfbae AAj t`tK cõZwbaZkxj Aw` evmx tbZe>` tK tWtK D<sup>3</sup> Lmov cõvevej xi Dci me`fi i Aw` evmx RbMtYi gZvgZ tbqvi wmxvš-tbqv nq hv cieZfZ ms`wZ cõZgšx cõg` gvbKtbi mfvvZtZ; 23 AvM÷ 2010 XvKv` Lxóvb tKvAcvti wF tµwU BDwbqþbi Awdþm AbjõZ nq| D<sup>3</sup> gZwebgg mfvq t`tki wevfbaeAAj t`tK 35 Rb Aw` evmx tbZe>` Dcw`Z wQþj b| Zvt`i gZvgtZi wfvÉtZ cieZfZ Lmov cõvevej x Avtj Dbz Kiv nq| mefkl D<sup>3</sup> Lmov cõvevej xi Dci 22 tmþPaf 2010 cveZ` cõZgšx `xc`i Zvj K`vti i evmfeþb Avgiv cuPRb msm` m`m` Ges Lmov Kuguj OqRb m`m`e>` Pevš-gZwebgg mfvq wgvj Z nB thLvþb ÓAw` evmx RvZtMvöxmgñi cwi Pq, `KxqZv I Awakvi i f`v` msvewabK mstkvabri cõvevej xO kxl R GB Lmov cõvevej x Pevš-Kiv nq| GB Lmov cõvevej xi msvfjBmvi ntj v-

1. msvewab i vófvlv I RvZxq ms`wZ, wkvjv BZ`w` weavvej xZ Aw` evmx RvZtMvöxmgñi `KxqZv I cwi wPwZ, gvZ.f.vl vq wkvjv I cv`mPxtZ msv`wZK eügvw KZv msthvRb Kiv|
2. msvewab RvZxq msm`, `vbxq kvmb, gvj Kvbvi bxwZgvj v, AvBb-cõq b I msvewab-msthvRb BZ`w` weavvej xZ Aw` evmx RvZtMvöxmgñi AskMhY, cõZwbaZ; Askx`wii Z; civgk`I m`šjZ msvvš-wel qvej x msthvRb Kiv|
3. msvewab tkvY t`tK gv<sup>3</sup>, `elg` `xKiþYi Df`tk` wekl weavb cõq b, mi Kvix wbtqvM mþhvþMi mgZv, Pj vtdivi `vaxZv BZ`w` weavvej xZ Aw` evmx RvZtMvöxmgñi mgZv wvõZKiY, `elg` `xKiY I `vZš; mgþz ivLvi j`f` wekl c`f`c msvvš-weavb msthvRb Kiv|
4. cveZ` PÆMõgi ivR`wZK, A`wZK, mvgwRK, msv`wZK I agfQ Awakvti wvvcEvi Rb` cveZ` PÆMõgi wekl kvwZ Aw` evmx AAþj i gh`v Ges 1997 mvtj `v`wi Z cveZ` PÆMõg Pw<sup>3</sup> I GB Pw<sup>3</sup> i Aaxþb cõxZ AvBmgfK msvewabK fvt` `xkuz cõ vb Kiv|

ejvi Atc`v ivtL bv th, Aw` evmx RvZtMvöxmgñi msvewabK `xkuzi j`f` msvewabK mstkvabri cõvevej x t`tki me`fi i Aw` evmx RvZtMvöxi Pwv`v I Avkv-Avkv`f`vi cõZdj b NtUtQ etj Avgiv gtb Kwi | Avgiv Avkv Kwi th, Pj gvb msvewab mstkvabþi cõq qvq Awakvsk t`f`t` wvQþq cov I mþhvM ewAZ Aw` evmx RvZtMvöxmgñi `xNf`þbi cõZkv I Avkv`f`vi wfvÉtZ msvewabK `xkuzi `vexmgñ msvewabþ `vb cvte|

ejvevuj`, 1971 mvtj gnvb `vaxZv hf`x Aw` evmx RbMY evzj x RbMtYi mvt\_ Kvta Kua wgvj tq cõZ`f`vte AskMhY Kti wQþj b| AtþK Aw` evmx gv<sup>3</sup>þhv`v Rxeb w` tqþQb| cvK nvb`vi evmbxi ašmhtÁ Zviv wvR`wfvUgvl I abm`ú` nwi tqþQb| Avgiv `pfvte wekym Kwi th, Gevti msvewab mstkvab wel qK msm`xq Kuguj Aw` evmx RvZtMvöxmgñi Awakvi ,tjv `xkuz w`þeb Ges Zvt`i `vex`vl qvi wel q ,tjv weþPbvq Avþeb Ges tmfvte msvewab msthvRþbi c`f`c MhY Kiþeb|

Avgiv gþbcõY wekym Kwi th, Dctiv<sup>3</sup> cõvevej x MpxZ ntj t`tki Aw` evmx RbMtYi cõZ `elg` `xKfZKiþYi GKwU KvhrI wfvÉ `wvZ nþe Ges wfvbaefbaeAw` evmx RvZtMvöx Zvt`i cwi Pq I `KxqZv eRvq tiþL t`tki bvMwi K wntmþe gj`tmZavivi KgRvtÜ h\_vh`fvte AskMhþYi mgvb mþhvM cvte| Gi gva`tg msvZ I Øþ wvimbKf` t`tki w`wZkxj Zv, kvš-I mgw`x ew`x cvte|





## mPcĪ

μ:	wel q	côv
1.	Aw`eivmx Rvuz#Mvôxmg#ni cwi Pq, `KxqZv I AwaKvi i 9 vt_© mvsweavmbK mst#kviabxi cŪvevej x	6-21
	Kv÷vi -1: `KxqZv I cwi vPvZ	6
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Awi` evmx RwiZtMvöxmgñi cwi Pq, `KxqZv I AwaKvi i ¶v†\_@mvsweawbK mstkvabxi cŕvevej x<sup>1</sup>  
 Kth÷vi -1

`KxqZv I cwi vPwZ

eZgvb msweavtbi weavbvej x	cŕweZ weavbvej x (mstkvabxi cŕve)	thšw³KZv/h_v_Zv	m† :
cŕg fv†Mi (cŕvZš) ōi vŕfv l vŕ msµvš-3 Ab†Q`  ōcŕvZtšj i vŕfv l v evsj v ŀ	3 Ab†Q† i tk†l msthvRb Kiv-  <i>ŌZte bŕMwi K† i Ab†v`</i> <i>fv l vi cwi tcv l Y l Dbq†bl</i> <i>i vŕ mgfv†e cŕtcv l KZv</i> <i>Kwi tēb ŀ</i>	evsj v† tki Awi` evmx RwiZtMvöxmgñi fv l v, HwZn` I ms`wZ vej wBi m`g`xb l msKUvcbŕ Zv† i mvgwRK I A`%wZK cŕšKZvi tŕŕ†Z Ges b`v`Zv weavtbi Rb` cŕ`¶fv†e msweavtbi msweawex e`e`v Ašffŕ i Av†j v†K i vŕŕq cŕtcv l KZv cŕŕvRb Ges GB cŕtcv l KZv e`Z†i tK msukē-RwiZtMvöxi cŕZ `elg` KvHŕi fv†e `ixfZ Kiv m`ē bq	t†tbr†qj vi msweavb Article 9. Spanish is the official language. The use of native languages also has official status for native peoples, and must be respected throughout the territory of the Republic, as constituting part of the cultural heritage of the Nation and humanity. gvj tqukqvi msweavb Article 161(5). Notwithstanding anything in Article 152, in the State of Sabah or Sarawak a native language in current use in the State may be used in native courts or for any code of native law and custom... t†tbr†qj v, gvj tqukqv, fv l Z, t`ub, bi l tq, wdbj`vŀ, tgw` tKv, wlvj cvBb l evj wfvqi msweavb Ges AvBGJ l Kb†fbkb bs 107-Gi weavbvej xi Rb` we`wii Z Av†iv t` Lp Annexe-1(1): State Languages etc, cŕv-22

<sup>1</sup> MZ 24 Rj vB 2010 cuPRb Awi` evmx msm` m`m` h\_vµtg cveZ` PÆMŕg wclqK cŕZgšg` xcsKi Zvj K`vi, ms`wZ cŕZgšg` cŕŕg` gvbiKb, cveZ` PÆMŕg Dbq†b teWŕPqvi g'vb exi evnr`j, cŕ`vMZ ki Yv\_xŕl Av†s†xY Dŕv` cpeŕnb msµvš-Uv` tŕvŕPqvi g'vb hZb`³ jvj w l cvj l Gw\_b ivLvBb g†nr`qMY XvKv` w. cŕŕg` gvbiKtbi evmfe†b Av†j vPbvq wgvj Z nb| D³ Av†j vPbvq Zuv Pj gv b msweavb mstkvab cŕµqvq t` tki Awi` evmx RwiZtMvöxmgñi mvsweawbK `KwZi wcltq D†` vM tŕqv i w`vš-MŕhY Kti b| Zvi B Av†j v†K 5 AvM÷ 2010 gvbbxq cŕvbgšgi m†\_ ms`wZ cŕZgšg` cŕŕg` gvbiKb l cveZ` cŕZgšg` xcsKi Zvj K`vi g†nr`q mŕ¶vZ Kti b| D³ mŕ¶vKv†i Awi` evmx i mvsweawbK `KwZi wclq D† wclZ nq Ges gvbbxq cŕvbgšg` Gwcltq Zj bvgj K D` vni Y m`ŕj Z h\_vh\_ ms`w†i cŕvevej x D† wclZ n†j wetePbvi Av†j m cŕv b Kti b|

Gici MZ 7 AvM÷ 2010 cveZ` cŕZgšg` xcsKi Zvj K`v†i Avner†b l mfvcwZtZi Zui XvKv` evmfe†b GK mfv AbjŕZ nq| D³ mfvq cveZ` cŕZgšg` xcsKi Zvj K`vi mn D†j wZ cuPRb Awi` evmx msm` m`m` Ges Awi` evmx bŕMwi K mgv†Ri wclŕŕ e`w³ eMŕh\_vµtg PvkGv m†Kŕ Pxd ivRv t` evkl ivq, cveZ` PÆMŕg Av†j K cwi l t` i m`m` tMSZg Kgi PvkGv, wclŕŕ w i wclŕŕ cwi Pj K Avj evUŕgvbiKb, evsj v† k Awi` evmx tŕv†v†gi mvari Y m`v` K m`Åve `š l ivLvBb t†w†j v†tqU dŕD†ŕŕtbi mfvcwZ DmZ gs Dcw`Z w†j b| D³ mfvq Awi` evmx RwiZtMvöxmgñi mvsweawbK `KwZi j t†¶ mŕv†tbi mstkvabxi Lmov cŕvevej x cŕŕq†bi Rb` PvkGv m†Kŕ Pxd ivRv t` evkl iv†q†i tŕZtZi Awi` evmx bŕMwi K mgv†Ri D†j wZ wclŕŕ e`w³ eMŕK w†tq GKw Lmov cŕŕq†b KigwU MVb Kiv nq| c†i D³ KigwU†Z g½j Kgi PvkGv†K Ašffŕ Kiv nq|

MZ 11 AvM÷ 2010 XvKv` ivRv t` evkl iv†q†i evmfe†b AbjŕZ Lmov KigwU i`v†K wclŕŕ wclŕŕ vPbvi ci GKwU Lmov cŕvevej x cŕZ Kiv nq| cieZ†Z 13 AvM÷ 2010 Av†iv ivRv t` evkl iv†q†i evmfe†b Lmov cŕvevej x w†tq gvbbxq Awi` evmx msm` m`m` i m†\_ gZwclbgq Kiv nq| D³ wclŕŕ K Gwcl` xcsKi Zvj K`vi, Gwcl` cŕŕg` gvbiKb l Gwcl` exi evnr`j Dcw`Z w†j b| G†Z Z† i m`g`Z l civgKŕtq LmŕwU Av†iv Dbz Kiv nq| D³ e`v†K t` tki wclŕŕ wclŕŕ t` tK Awi` evmx tŕZē tK t†w†K Z† i gZvgZ tŕqv l w`vš-tŕqv nq hv cieZ†Z ms`wZ cŕZgšg` cŕŕg` gvbiKtbi mfvcwZtZi 23 AvM÷ 2010 XvKv` Lwŕb t†KvAc†i wclŕŕ wclŕŕ wclŕŕ BDbq†bi Aw†m AbjŕZ nq| D³ gZwclbgq mfvq 35 Rb Awi` evmx tŕZē Dcw`Z w†j b t†w†b KigwU cŕv ivRv t` evkl ivq Lmov cŕvevej x Z†j atib| Z† i gZvgZ†i wclŕŕ t†Z cieZ†Z Lmov cŕvevej x Av†iv Dbz Kiv nq| mŕŕK l D³ Lmov cŕvevej xi Dci cveZ` cŕZgšg` xcsKi Zvj K`v†i evmfe†b D³ cuP Awi` evmx Gwcl` l Lmov KigwU g†a` Pevš-gZwclbgq mfv AbjŕZ nq 22 t†t†† 2010 t†w†b GB Lmov cŕvevej x Pevš-Kiv nq|

ivRv t` evkl iv†q†i tŕZtZi GB KigwU mfv Av†v†b l cwi Pj bvg w†tK fvgKv iv†Lb KigwU Ab`Zg m`m` Avj evUŕgvbiKb| GB Lmov cŕŕq†b w†tK fvgKv iv†Lb KigwU Ab`Zg m`m` g½j Kgi PvkGv Ges w†tK mŕvqZv cŕv b Kti b G`w†fv†Kw weavq PvkGv, Bw† iv t` l qv, gŕv†K PvkGv m`x l cŕv†i egŕ| GB Lmov cŕvevej xi m†\_ c†i cUfvg msµvš-avi Yvc† l wclŕŕ wclŕŕ tki msweavtbi mŕwclŕŕ Awi` evmx RwiZtMvöxi AwaKvi msµvš-weavbvej x m`ŕj Z cwi wclŕŕ msthvRb Kiv nte|

Kv÷vi -1 ....Pj gvb

-KxqZv I cwi vPwZ

eZgub msweavtbi weavbej x	cŕ weZ weavbej x (mstkvabx cŕ ve)	†hšw³KZv/h_v_ŕv	m† :
<p>wŦZxq fv†Mi (ivóªcwi Pj bvi gj bxwZ) ŐRvZxq msªwZŦ msµvš-23 Ab†ªQ`</p> <p>ŐivóªRbM†Yi mvsªwZK HwZnª I DĒiwaKvi iŕ†Yi Rbª eªeªv MŦY Kwi †eb Ges wfbawfbae RwZ†MvŦmg†ni fvlv, mwwnZª I wki Kj vmg†ni Ggb cwi †cvl Y I Dbq†bi eªeªv MŦY Kwi †eb, hvrv†Z meª†i i RbMY fª†ki eŭgwi†K msªwZi mgwª†Z Aeªvb i vL Levi I AskMŦY Kwi evi m†hvM j vf Kwi †Z cv†i b   Ő</p> <p>A_ev</p> <p>23 Ab†ªQ† i c†i Ő23K   Ő bv†g w††gª³ bZb Ab†ªQ` msthvRb Kiv-</p> <p><i>ŐivóªAwª evmx RwZ†MvŦxi msªwZ, fvlv, i wZ, cŕv, HwZnª, mwwnZª, wki Kj v, HwZnvwK wªkª BZªwª msi ŕŕY I Dbqªb Z_v eŭgwi†K msªwZi mgwª†Z cŕ†cvl KZv cŕvb Kwi †eb   Ő</i></p>	<p>23 Ab†ªQ`</p> <p>ŐivóªRbM†Yi mvsªwZK HwZnª I DĒiwaKvi iŕ†Yi Rbª eªeªv MŦY Kwi †eb Ges wfbawfbae RwZ†MvŦmg†ni fvlv, mwwnZª I wki Kj vmg†ni Ggb cwi †cvl Y I Dbq†bi eªeªv MŦY Kwi †eb, hvrv†Z meª†i i RbMY fª†ki eŭgwi†K msªwZi mgwª†Z Aeªvb i vL Levi I AskMŦY Kwi evi m†hvM j vf Kwi †Z cv†i b   Ő</p> <p>A_ev</p> <p>23 Ab†ªQ† i c†i Ő23K   Ő bv†g w††gª³ bZb Ab†ªQ` msthvRb Kiv-</p> <p><i>ŐivóªAwª evmx RwZ†MvŦxi msªwZ, fvlv, i wZ, cŕv, HwZnª, mwwnZª, wki Kj v, HwZnvwK wªkª BZªwª msi ŕŕY I Dbqªb Z_v eŭgwi†K msªwZi mgwª†Z cŕ†cvl KZv cŕvb Kwi †eb   Ő</i></p>	<p>evsj v†ª k GKw eŭ RwZ, eŭ fvlv I eŭ msªwZi †ªk   ewYŕ Ab†ªQ† i cŕŕgvs†k Duj wZ ŐRbM†Yi mvsªwZK HwZnª I DĒiwaKvi iŕ†Yi Ő cŕŕqvRbxqZvi mv†_ mvgªmª ti†L †ªki eŭgwi†K msªwZi cwi †cvl Y I mgwªi Dci „iªZi Av†ivc Kiv n†e   mv†_ mv†_ Gi gvaª†g Awª evmx RwZ†MvŦxi fvlv, mwwnZª I wki Kj vmg†ni cŕZ mgfv†e I ŕel gªnxbfv†e ivóªcŕ†cvl KZv Kwi †eb  </p> <p>D†j Őª, AvšRªZK AvBb Abjmv†i Awª evmx RwZ†MvŦxi Zv†ª i wªRªª cŕv Ges HwZnª tgvZv†eK Zv†ª i AvZªcwi Pq A_ev mªmªªª wbaŕY Ges wªRªªmsªwZ I cŕvMZ cŕZŕvb Aŕ†bªi vLvi AwªKvi i††q†Q  </p>	<p>B†ªª v†ªwªkqvi msweavb Article 28(3).The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations</p> <p>ewj wŕqvi msweavb Article 3. The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p> <p><b>International Covenant on Civil and Political Rights:</b> Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.</p> <p>B†ªª v†ªwªkqv, fvi Z (29 Ab†ªQ`), bi I †q, wdbjªvŦ, †gªw †Kv, †f†bR††qj v, ewj wŕqvi msweavb Ges ICCPR-Gi 27 Ab†ªQ`, GC-23 (1994) of HRC, GC-23 (1994) of ICERD, weavbej xi Rbª weªwii Z Av†i v†ª Lªª Annexe-1(2): National Culture etc., cŕv 25  </p>

eZgvb msweavtbi weavbej x	cŭ weZ weavbej x (mstkvabx cŭ ve)	thšw³ KZv/h_v_Źv	mŕ :
<p>GKv`k fivMi (wevea) Ōe`vL`vŌ mspuvš-152 Abt`Q`</p> <p>152   (1) we l q ev cñt½zi cŭqvRtb Ab`i jc bv nBtj GB msweavtb-</p> <p>.....</p>	<p>152 Abt`Q` i tklvš-ubtge³ msÁv msthvRb Kiv-</p> <p><i>ŌAvv`evmx RvuztMvôxiŌ evj tZ tmB mKj RvuztMvôxtK ešvBte, Ab`itb`i gta, hurviv eZgvb emevmi Z AĀtj cŭg ev Avv` Avaevmx; hurv` i mgvRe`e`v, fiv, ms`wZ I Hwzn` t`tki gj tmiZavivi RbtMvôxi fiv, ms`wZ BZ`w` nBtZ c_w_K, hurviv mbvZbx cŭZôitbi gva`tg cŭvMZ AvBtbi wfiĒtZ cwi evmi K AvBb cwi Pj bv I Avf`š- ixY weŕiva ub`úĒ Ktib, figi minZ hurv` i ubiep mvgvRK, A_švZK, mvs`wZK I Ava`vZK m`úK`q unqvQ Ges hurviv mivavi Yfite gj tmiZavivi RbtMvôxi PvBtZ cŭšK Ae`itb i unqvQb;</i></p>	<p>msweavtb Avv` evmx RvuztMvôxmgñi` xKwzi gva`tg msuké-RvuztMvôxi m`m`iv Zvt` i ubR`^`KxqZv eRvq ivLvi mvct`q bvMwi K wntmte t`tki Ab`vb` bvMwi Kt` i mv`_ AvvKvi PpP I `vqZicvj tb GvMtq Avmteb Ges t`tki mvs`wZK eú gvwĀ KZv I eúZevt` i h_vh_ cŭZdj b NUte  </p>	<p>gvj tqwkqvi msweavb <b>Article 161A.(7)</b> The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans,. Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p> <p>evsj vt`k mi Kvi KZK Abjngw_Ź Avv` evmx I UŕBevj RbtMvôx we l qK AvBGj I Kbtfbkb, 1957 (107 bs Kbtfbkb):</p> <p>1. This Convention applies to--</p> <p>(a) members of tribal or semi-tribal populations in independent countries whose social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) members of tribal or semi-tribal populations in independent countries which are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation and which, irrespective of their legal status, live more in conformity with the social, economic and cultural institutions of that time than with the institutions of the nation to which they belong.</p> <p>gvj tqwkqvi msweavtbi weavbej xmn Avt`i v msÁv t` Lp Annexe-1(3): Definition of Adibashi (Indigenous Peoples) etc., cŕv-28  </p>

Aww` evmx RvwZtMvôxmgfni cwi Pq, `KxqZv I AnaKvi i¶v¶\_©  
 mvsweavmbK mstkvabxi cÜvevej x

Kv÷vi -2

AskMôY, cÜZwbvaz; Askx` wii Zi, ci vqk©I m¶güZ

eZgvb msweavtbi weavbvej x	cÜweZ Abt`Q` (mstkvabx cÜve)	tshw³KZv/h_v_Zv	m¶:
<p>wZxq fv¶Mi (ivó`cwi Pvj bvi gj bwiZ)                      msµvš-9 Abt`Q` -                      072-Gi msweavtbi itqfQ-                      Òfvlv I ms`wZMZfvte GKK mEwewkó th                      evOvwj RvwZ HK`ex I msKí ex msmôg                      Kwi qv RvZxq gw³h¶xi gva`tg evsj vt`tki                      `vaxbZv I mve¶fsgZ; ARB Kwi qvtQb, tmB                      evOvwj RvwZi HK` I msnwZ nBte evOvwj                      RvZxqZvevt` i wfwE   Ó</p>	<p>wbte³ fvte mwbek Kiv-                      Òwfbwfbwfvlv I ms`wZMZfvte GKK                      mEwewkó th <i>evsj vt`kx RvwZ HK`ex I</i>                      msKí ex msmôg Kwi qv RvZxq gw³h¶xi                      gva`tg evsj vt`tki `vaxbZv I mve¶fsgZ;                      ARB Kwi qvtQb, tmB <i>evsj vt`kx RvwZi HK`</i>                      I msnwZ nBte <i>evsj vt`kx RvZxqZvevt` i</i>                      wfwE   Ó</p>	<p>evsj vt`k GKWJ eü RvwZi, eü                      fvlv, eü ms`wZi `ewPÍ`cY©                      t`k  RvwZ, ag`eY© evOvwj -                      Aww` evmx wwe¶k¶I mKj tk¶xi                      gvbt¶I i Z`vM-wZwZ¶vi wewogtq                      wC¶ gvZ.fwg evsj vt`tki Rb¶                       Kv¶RB mKj RvwZtMvôxi gnvb                      AvZ¶v¶Mi `¶KwZ `¶fc                      eügw¶K ms`wZ I evsj vt`kx                      RvZxqZvevt` i wfwE D¶j L-Kiv                      cÜqvRb  </p>	<p>ewj wfw¶i msweavb <b>Article 1.</b> Bolivia is an Unitario                      Social State of Law Plurinational Community, free,                      independent, sovereign, democratic, intercultural,                      decentralized and autonomous. Bolivia is based on                      plurality and pluralism political, economic, legal,                      cultural and linguistic background of the integration                      process within the country.  <b>Article 3.</b> The Bolivian nation is comprised of all                      the Bolivian and Bolivians, the indigenous nations                      and peoples originating peasants, and intercultural                      and Afro-Bolivian communities that together                      constitute the people boliviano.                      Av¶i v we`wii Z t` L¶ Annexe-2(1): Cultural                      Pluralism  </p>

AskMöY, cöZwbwaz; Askx` wii Z; ci v gk© mçjZ

eZgvb msweavtbi weavbvej x	cö weZ weavbvej x (mstkvabx cö ve)	thšw³ KZv/h_v_šv	mč :
<p>wZxq fvčMi (i vó³ cwi Pvj bvi gj bxwZ) Őgvij Kvbvi bxwZgvj vŰ msµvš-13 Abč"Q` ŐDrcv` bhš; Drcv` b e`e`v I e)Ub cšvj x mgčni gvij K ev w bqšK nBčeb RbMY Ges GB DčI čk" gvij Kvbv e`e`v wbgčfc nBče: (K) i vóčq gvij Kvbv ...; (L) mgevq gvij Kvbv ...; Ges (M)e`w³MZ gvij Kvbv ...   Ő</p>	<p>Abč"Q` 13(M) Gi cčI (N) Dc-Abč"Q` mstčvRb Kiv-  <i>Ő(N) mgwóMZ gvij Kvbv, A_š cö vMZ AvBbwšEČ Avir` evmčt` i mgwóMZ gvij Kvbv   Ő</i></p>	<p>e`w³MZ gvij Kvbv Ővov I Avir` evmč RvwZčMvűmgč mgwóMZ gvij Kvbv cö v Abym i Y KčI AvmčQ   thgb cveš" PšMčtg ti Kwčq ev čfvM` Lj xq čKvbűvB bq Ggb fwg hv Rgčfwg včtg L`vZ I cö vMZfvte msčkč-tgšRv Awševmčt` i mgwóMZ gvij Kvbvaxb   A_š tgšRv Gj vKvq Aew`Z fwi gi gča" e`w³ včtg eč`ve`KZ ev čfvM` Lj xq fwg e`ZxZ Ab" mKj fwgB tgšRvevxi  </p>	<p>evsj vč` k mi Kvi KZš Abymgw_š Avir` evmč I ŐšBvj RbčMvűx wcl qK AvBGj I Kbčfbkb, 1957 (107 bs Kbčfbkb):  Article 11. The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.  Article 7(1). In defining the rights and duties of the populations concerned regard shall be had to their customary laws. (2) These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.  Bč` včbwkqvi msweavb Article 18B(2). The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.  Bč` včbwkqv, KvbvWv, čččRčqj v, evj wčqvi msweavb Ges AvBGj I Kbčfbkb bs 107 Gi Rb" we`wii Z Avčiv č` Lp Annexe-2(2): Collective Ownership, cö v-31  </p>

<p>Abč"Q` -12 agčitc¶Zv I agčq `vaxbZv</p>	<p>Ő72 Gi msweavb Abčvqx 12 bs Abč"Q` wJ cp: `wcz Kiv   [ 'ধর্মনিরপেক্ষতার নীতি বাস্তবায়নের জন্য চারটি বিষয় উল্লেখ করা হয়েছিল। এগুলো হচ্ছে_ক. সর্বপ্রকার সাম্প্রদায়িকতা, খ. রাষ্ট্র কর্তৃক কোনো ধর্মকে রাজনৈতিক মর্যাদাদান, গ. রাজনৈতিক উদ্দেশ্যে ধর্মের অপব্যবহার এবং ঘ. কোনো বিশেষ ধর্মপালনকারী ব্যক্তির প্রতি বৈষম্য বা তাঁহার উপর নিপীড়ন বিলোপ করা হইবে। ]</p>	<p>č` čk Amv`cű wqK, MYZwšK I cö wZkxj kvmb cö Zűvi Rb" GB Abč"Q` cp: `vcb Kiv cö qvRb  </p>	
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AskMöY, cöZwbaZ; Askx` wii Z; cingk© m²§wZ

<p>GKv` k fvMl (welea)          ÖcRvZtšj m²úwÉÖ msµvš-          Abt`Q` 143</p>	<p>143 Abt`Q` i (2) Dc-          Abt`Q` i cti (3) bvtg          bZb Dc-Abt`Q` msthvRb          Kiv-</p> <p><i>ÖGB Abt`Q` i tKvb wKQB          t`tki Avw` evmx          RvwZtMvöxngñi Mtk Zvnt` i -          ^AajwZ AÄtj i fig I          cöKwZK m²úw` i AvwKvi I          mgwöMZ fig gvij Kvbvi          ^ZpwaKvi wöwöZ Kiv nBtZ          ivóK ubeÉ Kwi te bv Ö</i></p>	<p>Fig, eb I cöKwZK m²úw` i          Avw` evmx RvwZtMvöxngñi Rxb-          RweKv I ms`wZ weRwöZ itqto           Avw` evmx RvwZtMvöxngñi ^Zšj          Rxbavi v I AvwKvi m²bwöZKi tYi          Rb` msweavtb Gi jc weavb _vKv          Avek`K </p>	<p>wöwj cvBtbi msweavb Article-XII Section 5. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.</p> <p>gvj tqwkqvi msweavb <b>Article 161A. (5)</b> Article 89 shall not apply to the State of Sabah or Sarawak, and Article 8 shall not invalidate or prohibit any provision of State law in the State of Sabah or Sarawak for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.</p> <p>wöwj cvBb, gvj tqwkqv, Bt` vtbwqv, KvbWv, tgvw` tKv, tftbRtqj v, ewj wFqvi msweavtbi weavbej xi Rb` we`wii Z Avti v t` Lp Annexe-2(3): Right to Land, Territory and Natural Resources, cöv-33 </p>
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AskMôY, cûZwbwaz; Askx`wii Z; ci v gk mæjZ

eZgvb msweavtbi weavbvej x	cû weZ weavbvej x (mstkvabx cû ve)	thšw³KZv/h_v_Zv	mġ :
<p>PZL<sup>o</sup>FvġMi (wbeñx wefvM) (3q cwi t`Q`)                      0`vbxq kvmb0 msµvš-                      Abġ`Q` -59</p> <p>0(1) AvBbvobhvqx wbeñPZ e`w³t` i mgštq MvZ cûZwbmgñi Dci cRvZištj cûZ`K cġvmbK GKKvstki `vbxq kvmtbi fvi cû vb Kiv nBte  </p> <p>(2) GB msweavb I Ab` tKvb AvBb-mvtctġ msm` AvBtbi 0viv thi fc wv` 0 Kwi teb, GB Abġ`Q` i (1) `dvq Dvj wZ Abj fc cûZ`K cûZwb hġ_vch³ cġvmbK GKKvstki gta` tmBi fc .....0</p>	<p>Abġ`Q` -59(2) Gi tktġ msthvRb Kiv-</p> <p>0(3) <i>Avv` evmx Aajw Z/emewi Z cveZ` i vzigvU, cveZ` LvmovUw I cveZ` ev` i erb tRj vġq mgštq MvZ cveZ` PÆMŃg GKwU weġkl AĀj wntmte weġkl AvBtbi gva`tg cġvmbZ nBte, Ges msiké-tRj v I AĀtj i cwi l`mgñ Avv` evmx` i Rb` Avmb msiwġZ_vwKte/</i></p> <p>(4) <i>t`tki Avv` evmx Aajw Z AĀj , tġ vi `vbxq kvmb-msµvš-cûZwbmgñ Avv` evmx givj vmn Avv` evmx RvZtMvŃmgñi Rb` Avmb msiwġZ_vwKte/</i></p>	<p>GZ`vĀtj i Avv` evmx RvZtMvŃmgñi `Zš; bZvĒEK cwi wPvZ I HvZn`MZ mvs`wZK `KxqZvi Avġj vtK `šj YvZxZ Kvj t`ġK cveZ` PÆMŃg GKwU c_w KvmZ AĀj wntmte kvmbZ ntq GġmġQ   eZgvtbi msweavtbi 28(4) Abġ`Q` i Aaxtb AbMñi Avv` evmx Aajw Z cveZ` PÆMŃgi `Zš; mvs`wZK, wK ġv I A_ŃwZK AwaKvi mgpZ Ges Av_ŃmivwRK Dbqb cġµqv Zi všZ Kivi wbugtĒ weġkl AvBb Kvñi i tġQ   D³ weġkl AvBtbi mvġ_ mġwZ ti tL cveZ` PÆMŃg AĀj tK msweavtbi Avi ġvġj K AĀj wntmte wġqZv cû vb Kiv cġqvRb  </p> <p>Dġj Ē th, cûZ`K bvMwi tKi `vaxbfvte i vR%wZK ghP v wbañ Y Kivi AwaKvi i tġQ   Zvi B Avġj vtK Avv` evmx` i Avf`š+xY I `vbxq weġq Z_v `kvmbZ Kvñej xi A_Ńqġbi cšv I Drm wbañ tYi tġġġ Zv` i `kvmbZ mi Kvġi i AwaKvi i tġQ  </p> <p>Avv` evmx RvZtMvŃmgñi RbmsL`vi `f Zv Ges Zv` i AskMôY I cûZwbwaz; tġġġ cûšKZv I b`v`Zvgj K AwaKvġi i tġġġZ `vbxq kvmb-msµvš-cûZwbmgñ Zv` i cûZwbwaz; wvġZKi tYi Rb` cZ`ġfvte msweavtbi Avmb msiġtbi msweavx e`v`v_vKv cġqvRb  </p>	<p>Bt`vġbñkqvi msweavb [Chapter VI Regional Authorities] Article 18(2). The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy....</p> <p>wġvj cvBtbi msweavb [(Local Government) Autonomous Regions] Article X Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and <i>distinctive historical and cultural heritage, economic and social structures</i>, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.</p> <p>t`úġbi msweavb [National Unity, Regional Autonomy] Article 2 . The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.</p> <p>Bt`vġbñkqv, wġvj cvBb, t`úb, fvi Z (6ô Zġmġ), tbcvj , cwmK`wb, wġbj `vŪ, tġw` tKv, ġvj tġwKqv, ewj wfv-Gi msweavtbi weavbvej xi Rb` we`wii Z Avġi v t`Lp Annexe-2(4): Local Government/Self-Government/Autonomous Areas, cġv-35  </p>

AskMòY, còZubuaZ; Askx`wii Z; ci v gk<sup>©</sup> m<sup>©</sup>gZ

eZg <sup>©</sup> vb msweavtbi weavbvej x	cŭweZ weavbvej x (mstkvabx cŭ-ve)	†hšw <sup>©</sup> KZv/h_v_Źv	m† :
<p>cĀg fv†Mi (AvBbmFv) wŹXq cwi "Q†` i ŪAvBb cŹqb c×wZŪ msµvš-80 Ab†"Q`</p>	<p>80 Ab†"Q†` i (2) `dvi ci bZb Ab†"Q` msthvRb Kiv- Ū(2K) ivó<sup>a</sup>cveŹ" PÆMŉg wełtq Ges D<sup>3</sup> AĀ†j i Aw` evmx†` i cŹweZ K†i Ggb AvBb cŹqb ev mstkvab ev emZj Kwi †Z tMtj cveŹ" PÆMŉg AvĀwj K cwi l` I wZb cveŹ" †Rj v cwi l` Ges †ŹŹgZ HwZn`MZ cŹZŵtbi tbZe†` i minZ Av†j vPbv l ci v gk<sup>©</sup>†tq AvBb cŹqb Kwi †eb/ (2L)   Abjfcfite ivó<sup>a</sup>mgZj AĀ†j i Aw` evmx RmZ†Mvŉ†` i cŹweZ K†i Ggb wełtq AvBb cŹqb Kwi †Z tMtj mgZj AĀ†j i Aw` evmx RmZ†Mvŉ† cŹZubuaZ†xj tbZe†` l mslVbmg†ni minZ wba†i Z c×wZ†Z Av†j vPbv l ci v gk<sup>©</sup>†tq AvBb cŹqb Kwi †eb/Ū</p>	<p>Aw` evmx†` i AwaKvi msuké-AvBb cŹqb ev mstkvab ev emZj Kivi †ŹŹŹ Aw` evmx†` i `†axb l ceŹemZ m<sup>©</sup>gZ Mò†Yi wŵŵqZvi Rb` msweavt† G ai†bi weavb vKv Avek`K  </p> <p>D†j E, AvšRwZK AvBb Aby†i Aw` evmx RmZ†Mvŉmg†ni Z†` i AwaKvi †K cŹweZ Ki †e Ggb wełtq w×vš-wba†i Yx cŹµqvq AskMò†Yi AwaKvi i ††Q  </p> <p>ej vevŹj , Aw` evmx RmZ†Mvŉmg†ni gZvqZ QvovB cwmK`vb Avg†j cveŹ" PÆMŉ†gi Ūkvmb em†fŹ Gj vKvŪ gh<sup>©</sup> v Ges epĒi gqgbmstni †ki c†j , kte`Ē, bwi†j Zvevŵ, nv†j qvNvU, `Mŉ†j l K†j gvKv` v Gme Aw` evmx Aajwł Z/ emevmi Z Gj vKvmg††K ŪAvsukK kvmb-em†fŹ Gj vKvŪ gh<sup>©</sup> v Z†j †` qv nq  </p>	<p>cveŹ" PÆMŉg AvĀwj K cwi l` AvBb-1998: 053   AvBb cŹq†bi †ŹŹŹ cwi l†` i minZ Av†j vPbv BZ`w` - (1) mi Kvi cwi l` ev cveŹ" PÆMŉg m<sup>©</sup>†K<sup>©</sup>Kvb AvBb cŹq†bi D†` vM MòY Kwi †j cwi l` l msuké-cveŹ" †Rj v cwi l†` i minZ Av†j vPbvµtg Ges cwi l†` i ci v gk<sup>©</sup>†etePbvµtg AvBb cŹq†bi Rb` cŹqvRbxq c`†Źc MòY Kwi †e   Ū</p> <p>wZb cveŹ" †Rj v cwi l` AvBb-1998: 079   †Kvb AvB†bi weavb m<sup>©</sup>†K<sup>©</sup> AvcŹĒ   - ivŵvgwŪ cveŹ" †Rj vq cŹhvR` RvZxq msm` KZĒ MpxZ †Kvb AvBb cwi l†` i we†ePbvq D<sup>3</sup> †Rj vi Rb` KóKi nB†j ev DcRvZxq†` i Rb` AvcŹĒKi nB†j , cwi l` Dnv KóKi ev AvcŹĒKi n l qvi Kvi Y e<sup>©</sup> Kwi qv AvBbŪi mstkvab ev cŹqvM wkvŵj Kwi evi Rb` mi Kv†i i wŵKU wj wLZ Av†e` b †ck Kwi †Z cwi †e Ges mi Kvi GB Av†e` b Ab†vqx cŹZKvi gj K c`†Źc MòY Kwi †Z cwi †e   Ū</p> <p>fvi †Zi msweavb Article 371G. Notwithstanding anything in this Constitution,— (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution...</p> <p>fvi Z, wclw†j cvBb, ew†j wfqv, †bcv†j , †WbgvK<sup>©</sup> KvbwWvi msweavtbi weavbvej xi Rb` we`wii Z Av†i v †` L† Annexe-2(5): Consent and Consultation in making Laws on indigenous peoples, cŹv-39  </p>



AskMòY, còZùbwaZ; Askx`wii Z; ci v gk<sup>Q</sup> m<sup>Q</sup>gZ

eZgvb msweavtbi weavbvej x	cò weZ weavbvej x (mstkvabr cò ve)	thšir <sup>3</sup> KZv/h_v_žv	m <sup>Q</sup> :
<p>`kg fvMì (msweavb- mstkvab) òmsweavtbi weavb mstkvatbi ¶lgZvò mšvš- 142 Abt`Q`</p>	<p>142 Abt`Q` i (1) Dc- Abt`Q` i (Av) `dvi ci bZb `dv msthvRb Kiv-  ò(B) msweavtbi Ašf<sup>š</sup> t`tki Avi`evmxt` i cwi Pq, `KxqZv, AskMòY I AwaKvi msi¶Y Kti Ggb weavbvej x mstkvab, msthvRb A_ ev emZtj i cš<sup>Q</sup> t`tk Avi`evmx RvZtMvòxi còZùbwaZkxj tbZet` i minZ Avtj vPbv I ci v gk<sup>Q</sup> Kwi teb/ cveZ` PÆMògi t¶t` cveZ` PÆMòg AvĀwj K cwi I` I cveZ` tRj v cwi I` mgr Ges t¶t` gZ HwZn`MZ còZòvb GB Dij t-Z còZùbwaZkxj tbZet` i gta` Ašf<sup>š</sup> _mKte/ò</p>	<p>Avi`evmxt` i cwi Pq, `KxqZv, AskMòY I AwaKvi msi¶-mvsweavbK weavbvej x cšqeb ev mstkvab ev emZj Kivi t¶t` Avi`evmxt` i `xax I cešwZ m<sup>Q</sup>gZ MòtYi wòqZvi Rb` msweavtbi G ai tbi weavb _vKv Avek`K    Dtj Ē, AvšRòZK AvBb Abjvnti Avi`evmx RvZtMvòxmgñi Zvt` i AwaKvi tK còweZ Ki te Ggb we l tq m<sup>Q</sup>vš-wbaf Yx còp<sup>Q</sup>q AskMòtYi AwaKvi i tq tQ    ej vevuj` , Avi`evmx RvZtMvòxmgñi gZvgZ QrovB cwmK`vb Avgtj cveZ` PÆMògi òkvmb emfZ Gj vKvò gh<sup>Q</sup> v Ges epEi gqgbmstni tki cji , kte` š, bvij Zvevno, nvj qvNvU, `Mšc j I Kj gvKv`v Gme Avi`evmx Aajw Z Gj vKvmgnatK òAvsukK kvmb-emfZ Gj vKvò gh<sup>Q</sup> v Ztj t` qv nq    Dtj Ē, cveZ` PÆMòg wntmte msweavtbi `šKZ bv _vKvi Kvi tY cveZ` PÆMòg Pir<sup>3</sup> i wei`tx 2000 mvtj ew D<sup>3</sup>4vgvb I 2007 mvtj G`vWtFvKv ZvRj Bmj vg KZš `vtqi KZ gvj vq nvB tKvUi i vtq cveZ` PÆMòg AvĀwj K cwi I` AvBb I wZb cveZ` tRj v cwi I` i KtqKwU , i`ZcYavi v AmvsweavbK gtg<sup>Q</sup>A%ea ej v ntqtQ hv AbwftcZ I kwiš-còp<sup>Q</sup>vi cwi cš    Abjfcvte mvsweavbKfvte `šKZ bv _vKvi Kvi tY cveZ` PÆMògi Avi`evmxt` i gZvgZ e`wZt tK 1964 mvtj cveZ` PÆMògtK òDcRvZxq Aajw Z AĀj ò Gi Zvij Kv t`K ev` t` qv nq  </p>	<p>cwmK`vbi msweavb [Administration of Tribal Areas] Article 247(6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal <i>jirga</i>.  cwmK`vb, KvbWv, gvj tqwkv, wlvj cvBtbi msweavtbi weavbvej xi Rb` we`wii Z Avti v t` Lp Annexe-2(7): Consent and Consultation in amending Constitutional Provision relating to indigenous peoples, còv-44  </p>

Aww` evmx RvwZtMvôxmgfni cwi Pq, `KxqZv I AwaKvi i¶¶vt\_©  
mvsweavmbK mstkvabxi cŕvevej x

Kv÷vi -3

mgZv, ^elg`nxbZv I wefkl c`¶¶c

eZgub msweavtbi weavbej x	cŕweZ Abt`Q` (mstkvabx cŕve)	thšw³KZv/h_v_Zv	mŕ :
<p>wŦZxq fv¶Mi (ivó²cwi Pj bvi gj bxwZ) ŦK.I.K I kŕg¶Ki gw³Ŧ msµvš-Abt`Q` -14</p> <p>ŦivŦóŕ Ab`Zg tgšuj K `vwqZ;nBte tgnbZx gvbj ¶K-K.I.K I kŕgK¶K Ges RbM¶Yi AbMŕni Askmgŕ¶K mKj c¶Kvi tkvIY nBtZ gw³ `vb Kiv  Ŧ</p>	<p>Abt`Q` -14</p> <p>ŦivŦóŕ Ab`Zg tgšuj K `vwqZ;nBte tgnbZx gvbj ¶K-K.I.K, kŕgK / Aww` evmxw`M¶K Ges RbM¶Yi AbMŕni Askmgŕ¶K mKj c¶Kvi tkvIY nBtZ gw³ `vb Kiv  Ŧ</p>	<p>¶¶ki Acivci bvMwi K¶` i mvŦ_ Aww` evmx RvwZtMvôxmgfni tkvIY nZ gw³i Rb` mvsweavmbK fvte weavb _vKv Avek`K  Aww` evmx Rb¶Mvôxmgŕ hw` I ¶¶ki bvMwi K, wKš` AwaKvsk t¶¶ŕŕ Zviv h_v_¶bvMwi K gh¶v I tgšuj K AwaKvi wŦtq emevm Ki¶Z cvŕi bv  Zviv wŦR fvgtZ ci evmx Rxebhvcb Ki¶Q </p> <p>ZvB Aww` evmx Rb¶Mvôxi Dci GB eŦ kZvāxi eĀbv I wŦcxoŕbi BwZnm Ges ZvŦ` i DŦcw¶¶Z Ae`vŦbi cŕZ `wŦ AvKI¶Yi Rb` msweavtbi K.I.K I kŕgK¶` i mvŦ_ Aww` evmx RvwZtMvôxmgfni I mKj c¶Kvi tkvIY nZ gw³ `vŦbi weI qvU msweavtbi `¶KZ nI qv ` i Kvi  </p>	<p>¶bcvŕj i AšeZx¶msweavb Article 10. The State shall pursue a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</p> <p>¶bcvj , tgw` ¶Kvi msweavtbi weavbej xi Rb` we`wii Z AvŦiv Ŧ Lj Annexe-3(1): Emancipation from Exploitation, cŕv-46 </p>

mgZv, ^elg"nxbZv I wefkl c`tq|c

eZgvb msweavtbi weavvej x	cŕweZ Abt"Q` (mstkrabx cŕve)	thšw³KZv/h_v_Zv	mġ :
<p>wŦZxq fvtMi (ivóªcwi Pvj bvi gj bxwZ) ŐA%eZwbK I eva`Zvgj K wkŕŕvŦ msµvš-Abt"Q` -17</p> <p>Ŧ17  ivóª</p> <p>(K) GKB c×wZ MYgtLx I meRbxb wkŕŕv e`e`v cŦZŦvi Rb` Ges AvBġbi Ŧviv wbaŕwi Z `ġ chš-mKj evj K-ewj KvġK A%eZwbK I eva`Zvgj K wkŕŕv`vġbi Rb`;</p> <p>(L) mgvġRi cŦqvRġbi mwnZ wkŕŕvġK msMwZcYŕKwi evi Rb` Ges tmB cŦqvRb wmx Kwi evi h_vh_ cŦkŕŕYcŦB I mw`"QvcŦYvw` Z bvMwi K mġŦi Rb`;</p> <p>(M) AvBġbi aviv wbaŕwi Z mgġqi gġa` wbi ŕŕZv `j Kwi evi Rb`</p> <p>Kvhŕi e`e`v MŦY Kwi ġeb Ŧ</p>	<p>Abt"Q` 17(M) Gi ci wbtgŕ³ Dc-Abt"Q` msthvRb Kiv-</p> <p><i>Ŧ(N) ġ`ġki wfbaefvlvfwl RmZġMvŦxi gġa` wkŕŕv cŦŕġi i j ġŕŕ" gvZ.fvlvi gva ġg wkŕŕv`ġbi Rb`;</i></p> <p><i>(Ŧ) ivŦŦq cvV`mPġZ ġ`ġki eŦgŕŕK ms`wZi h_vh_ cŦZġj b NŦvBeri Rb`Ŧ</i></p>	<p>Aw` evmx RmZġMvŦxi wkġi ġ` i Zvġ` i wR`^Aw` evmx fvlvq A_ev Zvġ` i RbġMvŦx KZŕ mvavi Yfvġe eŦj e`eüZ fvlvq cov I wj Lvi Rb` wkŕŕv`vb Kivi AwKvi i ġġŦQ </p>	<p>fviġZi msweavb Article 30(1). All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>gvj ġqwkqvi msweavb Article 152.1 (1) The national language shall be the Malay language and shall be in such script as Parliament may by law* provide:</p> <p>Provided that- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and ...</p> <p>fvi Z, gvj ġqwkqv, wġwj cvBb, ġġbRġġj v, ewj wfqvi msweavtbi weavvej xi Rb` we`wi Z Avġi v ġ` Lġ Annexe-3(2): Education &amp; in the Mother Tongue, cŦv-47  </p>



mgZv, ^elg^nxvZv I wekI c`tqIc

eZgvb msweavtbi weavvej x	cŏ weZ Abt`Q` (mstkvabx cŏ ve)	tšw³KZv/h_v_Zv	mŕ :
<p>ZZxq fvŕMi (tgšij K AwaKvi)  Ōmi Kvi x vbŕqvM j vŕf mŕhvŕMi  mgZvŏ msµvš-Abt`Q` 29(3)    Ō29(3)(K) bvMwi Kŕ` i th tKvb  AbMŕni Ask hvnŕZ cŕvZŕšj  KŕgŒDchy³ cŕZvbwaZij vŕf Kwi ŕZ  cvŕi b, tmB Dŕŕŕk` Zuvŕ` i  AbKŕj wekI weavb-cŕqb Kiv  nBŕZ, ...Ō</p>	<p>Abt`Q` 29 (3)  Ō(K) bvMwi Kŕ` i th tKvb AbMŕni  Ask / Aw` evmx RvZŕMvŕmgŕ  hvnŕZ cŕvZŕšj KŕgŒDchy³  cŕZvbwaZij vŕf Kwi ŕZ cvŕi b, tmB  Dŕŕŕk` Zuvŕ` i AbKŕj wekI  weavb-cŕqb Kiv nBŕZ, Ō</p>	<p>Aw` evmx RbŕMvŕmgŕŕK  ŌbvMwi Kŕ` i th tKvb  AbMŕni AskŌ vntmŕe  weŕPbv Kiv nq   GvU  AZ`š-A`úŌ I weáwš-  gj K   ZvB mŕúŌ Kivi  Rb` ŌAw` evmxŌ káwU  msthvRb Kiv `i Kvi  </p>	<p>gvj ŕqwkqvi msweavb Article 153.(2) Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State)</p> <p>fvi ŕZi msweavb. Article 16(4A). Nothing in this article shall prevent the State from making any provision for reservation [in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State...</p> <p>gvj ŕqwkqv, fvi Z, tgwŕ ŕKv msweavtbi weavvej xi Rb` we`wvi Z Avŕi v ŕ` Lŕ Annexe-3(4): Equal Opportunity in Public Services, cŕv-52]</p>

mgZv, ^elg^nxzbZv I wefkI c`fqc

eZgvb msweavtbi weavbvej x	cŕ weZ weavbvej x (mstkrabx cŕ ve)	†hšw³ KZv/h_v_Œv	m† :
<p>ZZxq fivMi (tgšij K AwaKvi)                      ŐPj vtdi vi ~faxbZvŏ msµvš-                      Abt"Q` -36</p> <p>ŐRb~†_A_vB†bi Őviv Av†i vncZ                      hµ³m½Z evamb†I a-mv†c†¶                      evsj v†` †ki meŦ emiZ ~vcb Ges                      evsj v†` k Z`vM I evsj v†` †k                      cp:cŕek Kwi evi AwaKvi cŕZ`K                      bvMwi †Ki ~vuk†e Ő</p>	<p>Abt"Q` -36</p> <p>ŐRb~†_A_vB†bi Őviv Av†i vncZ                      hµ³m½Z evamb†I a-mv†c†¶                      evsj v†` †ki meŦ emiZ ~vcb Ges                      evsj v†` k Z`vM I evsj v†` †k                      cp:cŕek Kwi evi AwaKvi cŕZ`K                      bvMwi †Ki ~vuk†e Ő</p>	<p>Avw` evm†` i Rb` Avi ¶vgj K kvmb e`e`vi                      cŕqvRb hv Zv†` i †K Zv†` i HwZn`MZ                      mvs`wZK ~KxqZv eRvq i vL†Z ~faxbZv                      †` †e  hw` Avi ¶vgj K msweae`e`v bv_v†K                      Zvntj Avw` evmxi v Zv†` i bZvE†K I                      mvs`wZK ~KxqZv I ^ewkŕ nwi †q tdj †e                      Ges epEi Rb†Mvŕx Őviv cŕZwbqZ                      A_ŕwZK †kvIY, i vR%wZK cŕZvi Yv Ges                      eĀbvi wKv†i cwi YZ n†e </p> <p>1900 mv†j cveŒ` PÆMŕg kvmbweatZ                      ewni vMZ †Kvb e`w³ i cveŒ` PÆMŕg ~vqx                      emiZ ~vc†bi Dci w†I avĀv wQj  </p>	<p>fvi †Zi msweavb [Protection of certain rights regarding                      freedom of movement, etc.] Article 19(5). Nothing in                      [sub-clauses (d) and (e)] of the said clause shall affect                      the operation of any existing law in so far as it                      imposes, or prevent the State from making any law                      imposing, reasonable restrictions on the exercise of                      any of the rights conferred by the said sub-clauses                      either in the interests of the general public or for the                      protection of the interests of any Scheduled Tribe.</p> <p>†bcv†j i AšeŒx`msweavb <i>Right to Freedom:</i>                      12. (3) Every citizen shall have the following freedoms:                      (e) freedom to move and reside in any part of Nepal;                      and Provided that, (4) nothing in sub-clause (e) shall                      be deemed to prevent the making of laws which are in                      the interest of the general public, or which are made to                      impose reasonable restrictions on any act which may                      jeopardize the harmonious relations subsisting among                      the peoples of various castes, tribes, religion or                      communities.</p> <p>fvi Z, †bcvj , ewj wfqvi msweavtbi weavbvej xi Rb` we`                      wwi Z Av†i v †` Lp Annexe-3(5): Restrictions on the                      exercise of Freedom of Movement for the protection of                      the interests of indigenous peoples, cŕv-54  </p>

mgZv, ^el g^nxbZv I wefkl c`tq|c

eZgvb msweavtbi weavbvej x	c0 weZ weavbvej x (mstkvabx c0 ve)	thSw <sup>3</sup> KZv/h_v_2v	mf :
<p>c0_g Zdimj (Abt^Q^-47)</p> <p>0Ab^vb weavb mtEj  Kvhr i AvBb0</p>	<p>c0_g Zdimjt vb tge<sup>3</sup> AvBbmgm msthvRb Kiv-</p> <ul style="list-style-type: none"> <li>• <i>0cveZ^ PÆM0g kimbwewa 1900 (1900 mtbi 1 bs kimbwewa)</i></li> <li>• <i>i v^vignu cveZ^ tRj v cwi I` AvBb, 1989 (1989 mtbi 19 bs AvBb) (1998 mtj i 9bs AvBtbi mstkvabimn)</i></li> <li>• <i>LvMovQwo cveZ^ tRj v cwi I` AvBb, 1989 (1989 mtbi 20 bs AvBb) (1998 mtj i 10bs AvBtbi mstkvabimn)</i></li> <li>• <i>ev` ierb cveZ^ tRj v cwi I` AvBb, 1989 (1989 mtbi 21 bs AvBb) (1998 mtj i 11bs AvBtbi mstkvabimn)</i></li> <li>• <i>cveZ^ PÆM0g AvAj K cwi I` AvBb, 1998 (1998 mtbi 12 bs AvBb)0</i></li> </ul>	<p>Aw` evmx RwZtMv0xi i v0^wKsev Zvt` i DE i mxi mt_ m^uww` Z Pw<sup>3</sup>, mgtsvZv ^svi K Ges Ab^vb^ Pw<sup>3</sup>-Zj` AvBb (MVbgj K e`e`vej x) Gi ^kuz, c0Zcvj b Ges ev` evqb Kivi AwaKvi i tqtQ Ges Gme Pw<sup>3</sup>, mgtsvZv ^svi K I MVbgj K e`e`vej xi Aek^B i v0tq gh^ v j vtfi AwaKvi i tqtQ </p> <p>ZvB 1997 mtj ^vwi Z cveZ^ PÆM0g Pw<sup>3</sup> tgvZvteK c0vZ mKj AvBbm Aw` evmx AwaKvi msik^mKj AvBb msweavbKfvte ^kuz c0vb Kiv` i Kvi  </p> <p>Dtj E, msweavtb 0Kvhr i AvBb0 wntmte Ašf^ bv _vKvi Kvi tY cveZ^ PÆM0g Pw<sup>3</sup> i wei ^x 2000 mtj ew D^vvgvb I 2007 mtj G^wvtfvKtKU ZvRj Bmj vg KZ^ `vtqi KZ gvgj vq nvB tKvUi i vtq cveZ^ PÆM0g AvAj K cwi I` AvBb I wZb cveZ^ tRj v cwi I` i KtqKwU „i^ZcY^avi v AmvweavbK gtg^A%ea ej v ntqtQ hv AbwftcZ I kwš-c0uqvi cwi cšx </p> <p>Abjfcfvte msweavbKfvte ^kuz bv _vKvi Kvi tY cveZ^ PÆM0g ti _tj ktbi Dci mi vmi AvNvZ Avtm 1964 mtj thLvfb cveZ^ PÆM0g ti _tj ktbi 51 bs weatK cwmK^ vb msweavtbi Pj vtdi vi ^vxbZv weavtbi cwi cšx gtg^ce^cwmK^ vb nvB tKvU^ vq t` qv nq </p>	<p>Article 371G, <b>Constitution of India:</b></p> <p>Notwithstanding anything in this Constitution, — (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides.</p> <p>[Administration of Tribal Areas] Article 247(6), <b>Constitution of Pakistan:</b></p> <p>The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper: Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p> <p>Article 19, <b>UN Declaration on the Rights of Indigenous Peoples:</b></p> <p>States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.</p>

Annexe 1(1)  
State Languages etc

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Venezuela	<p><b>Article 9:</b> Spanish is the official language. The use of native languages also has official status for native peoples, and must be respected throughout the territory of the Republic, as constituting part of the cultural heritage of the Nation and humanity.</p>
Constitution of Malaysia	<p><b>Article number:152.(1)</b> The national language shall be the Malay language and shall be in such script as Parliament may by law* provide: Provided that-</p> <p>(a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and</p> <p>(b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.</p> <p><b>Article number:161. (5)</b> Notwithstanding anything in Article 152, in the State of Sabah or Sarawak a native language in current use in the State may be used in native courts or for any code of native law and custom, and in the case of Sarawak, until otherwise provided by enactment of the Legislature, may be used by a member addressing the Legislative Assembly or any committee thereof.</p>
Constitution of India	<p><b>Article 29.</b> (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.</p> <p><b>Article 345.</b> Subject to the provisions of articles 346 and 347, the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State [.]</p> <p><b>Article 347.</b> On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised by that State, direct that such language shall also be officially recognised throughout that State or any part thereof for such purpose as he may specify.</p> <p><b>Article 350.</b> Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the</p>

	languages used in the Union or in the State, as the case may be.
<b>Constitution of Spain</b>	<b>Article 3 [Official Language]</b> (1) Castilian is the official Spanish language of the state. All Spaniards have the duty to know it and the right to use it. (2) The other languages of Spain will also be official in the respective autonomous communities, in accordance with their Statutes.
<b>Constitution of Norway</b>	<b>Article 110 A.</b> It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.
<b>Constitution of Finland</b>	<b>Section 17 – Right to one's language and culture:</b> The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.  <b>The Sami, as an indigenous people,</b> as well as the Roma and other groups, <b>have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act.</b> The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.
<b>Constitution of Mexico</b>	Article 2. A. This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to:  IV. Preserve and enrich their language, knowledge and every part of their culture and identity.
<b>Constitution of the Philippines</b>	Article-XIV: Section 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.  <b>The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.</b>  Spanish and Arabic shall be promoted on a voluntary and optional basis.  Article-XIV: <b>Section 9.</b> The Congress shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and <b>other languages.</b>

<p><b>Constitution of Bolivia</b></p>	<p><b>Article 5.</b> 1. The official languages of the State are the Spanish language and <b>all of the languages of the indigenous originary farmer nations and people</b>, that include the languages aymara, araona, naure, bésiro, canichana, cavineño, cayubaba, chácobo, chimán, ese ejia, guaraní, guarasu'we, guarayu, itonama, leco, machajuyai-kallawaya, machineri, maropa, mojeño-trinitario, mojeño-ignaciano, moré, mosetén, movima, pacawara, puquina, quechua, sirionó, tacana, tapiete, toromona, uru-chipaya, weenhayek, yaminawa, yuki, yuracaré and zamuco.</p> <p><b>Article 30.</b> 1. The indigenous originary farmer nations and people constitute the human collective groups that share cultural identity, <b>language</b>, historical tradition, institutions, territoriality, and cosmovisions, with an existence prior to the Spanish colonial invasion.</p> <p><b>Article 95.1.</b> The universities will have to implement programs for the recovery, preservation, development, learning and disclosure of the different languages of the indigenous originary farmer nations and people.</p> <p><b>Article 289.</b> The indigenous originary farmer autonomy consists in self-government as an exercise of free determination of the indigenous originary farmer nations and people, of which population share territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions.</p>
<p><b>ILO Convention No 107</b></p>	<p><b>Article 23(3).</b> Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.</p>
<p><b>ILO Convention No 169</b></p>	<p><b>Article 28(3).</b> Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.</p>

Annexe 1(2)  
National Culture etc.

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Indonesia	Article 28I(3) The <b>cultural identities</b> and rights of traditional communities shall be respected in accordance with the development of times and civilisations.
Constitution of India	29. (1) <b>Any section of the citizens</b> residing in the territory of India or any part thereof <b>having a distinct language, script or culture of its own shall have the right to conserve the same.</b>
Constitution of Norway	Article 110 A. It is the responsibility of the authorities of the State to create conditions enabling the <b>Sami people to preserve and develop</b> its language, <b>culture</b> and way of life.
Constitution of Finland	<p><i>Section 17 - Right to one's language and culture:</i> The national languages of Finland are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.</p> <p><b>The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the right of the Sami to use the Sami language before the authorities are laid down by an Act.</b> The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.</p>
Constitution	<p>Article 2A This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to:</p> <p>IV. Preserve and enrich their language, knowledge and every part of their culture and</p>

<p>of Mexico</p>	<p>identity.</p> <p>VIII. Submit all kind of lawsuits to Mexican Courts. In order to enforce such a right in every judgement and procedure in which a indigenous group is a contesting party, indigenous practices and cultural traditions shall be taken into account under this Constitution. Indigenous individuals have a right to be advised by interpreters and lawyers acquainted with such individuals' native languages and cultures.</p>
<p>Constitution of Venezuela</p>	<p><b>Article 119:</b> The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraut, and non-transferable, in accordance with this Constitution and the law.</p> <p><b>Article 120:</b> Exploitation by the State of the natural resources in native habitats shall be carried out without harming the cultural, social and economic integrity of such habitats, and likewise subject to prior information and consultation with the native communities concerned.</p> <p>Profits from such exploitation by the native peoples are subject to the Constitution and the law.</p> <p><b>Article 121:</b> Native peoples have the right to maintain and develop their ethnical and cultural entity, world view, values, spirituality and holy places and places of cult. The State shall promote the appreciation and dissemination of the cultural manifestations of the native peoples, who have the right to their own education, and an education system of an intercultural and bilingual nature, taking into account their special social and cultural characteristics, values and traditions.</p>
<p>Constitution of Bolivia</p>	<p><b>Article 30. II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>2. To their cultural identity, religious creed, spiritualities, practices and customs, and to their own cosmovision.</p> <p>3. To have the cultural identity of each of its members, if wanted, be registered alongside the Bolivian citizenship in its identity document, passport or other identification document with legal validity.</p> <p><b>Article 98. II.</b> The State assumes the existence of originary indigenous farmer cultures as reservoirs of values, knowledge, spirituality and cosmovisions.</p> <p><b>Article 100. I.</b> It is the patrimony of the indigenous originary farmer nations and peoples the cosmovisions, the myths, the oral history, the dances, the cultural practices, the knowledge and traditional technologies. This patrimony forms part of the expression and identity of the State.</p> <p><b>Article 304.I.</b> The indigenous originary farmer autonomies can exercise the following exclusive competences:</p>

	10. Tangible and intangible cultural patrimony. The safeguard, encouragement and promotion of its cultures, art, identity, archeological centers, religious and cultural places, and museums.
<b>International Covenant on Civil and Political Rights</b>	<b>Article 27.</b> International Covenant on Civil and Political Rights: Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.
<b>General Comment (GC)-23 (1994) of HR</b>	<b>9.</b> The Committee concludes that article 27 relates to rights whose protection imposes specific obligations on States parties. The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole. Accordingly, the Committee observes that these rights must be protected as such and should not be confused with other personal rights conferred on one and all under the Covenant. States parties, therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted to this end.
<b>General Comment (GC)-23 (1994) of ICERD</b>	<b>4.</b> The Committee calls in particular upon States parties to: (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;

Annexe 1(3)

Definition of Adibashi (Indigenous Peoples) etc.

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Malaysia	<p><b>Article 161A.(4)</b> The Constitutions of the States of Sabah and Sarawak may make provision corresponding (with the necessary modifications) to Article 153.</p> <p><b>(6)</b> In this Article "native" means- <b>(a)</b> in relation. to Sarawak, a person who is a citizen and either belongs to one of the races specified in Clause (7) as indigenous to the State or is of mixed blood deriving exclusively from those races; and <b>(b)</b> in relation to Sabah, a person who is a citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth.</p> <p><b>(7)</b> The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans,. Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p>
UN Special Rapporteur Jose Martinez Cobo's "working definition" in his Study of the Problem of Discrimination against Indigenous Populations :	<p>"Indigenous communities, peoples and nations are those which having 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."</p> <p>Moreover, the Special Rapporteur outlined a list of factors which may be relevant for defining indigenous peoples and identifying their historical continuity. He expresses the view that such a historical continuity may consist of the continuation, for an extended period reaching into the present, of one or more of the following factors: (1) Occupation of ancestral lands, or at least of part of them; (2) Common ancestry with the original occupants of these lands; (3) Culture in general, or in specific manifestations; (4) Language; (5) Residence in certain parts of the country, or in certain regions of the world; (6)</p>

	other relevant factors.”
<b>ILO Convention No. 169</b>	<p><b>Article 1.1.</b> This Convention applies to:</p> <p>(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;</p> <p>(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.</p> <p>2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.</p>
<b>Operational Directive 4.20 of the World Bank (now superseded by OP/BP 4.10)</b>	<p><b>Paragraph 5.</b> ....Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:</p> <p>(a) a close attachment to ancestral territories and to the natural resources in these areas;</p> <p>(b) self-identification and identification by others as members of a distinct cultural group;</p> <p>(c) an indigenous language, often different from the national language;</p> <p>(d) presence of customary social and political institutions; and</p> <p>(e) primarily subsistence-oriented production.</p>

Annexe-2(1)  
Cultural Pluralism

International Instrument/ National Constitution/ Policy	Extracts from Text
Bolivia	<p><b>Article 1.</b> Bolivia is constituted in a Social Unitary State of <b>Plurinational</b> Communitarian Law, free, independent, sovereign, democratic, intercultural, decentralized and with autonomies. <b>Bolivia is founded in plurality and in political, economic, legal, cultural and linguistic pluralism</b>, within the integrating process of the country.</p> <p><b>Article 3.</b> The Bolivian nation is comprised of all the Bolivian and Bolivians, the indigenous nations and peoples originating peasants, and intercultural and Afro-Bolivian communities that together constitute the people boliviano.</p> <p><b>Article 98. I.</b> Cultural diversity forms part of the essential foundation of the Plurinational Communitarian State. Interculturality is the instrument of cohesion and harmonious and balanced conviviality amongst all peoples and nations. Interculturality will respect differences within equal conditions.</p>

Annexe 2(2)  
Collective Ownership

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Indonesia	<p><b>Article 18B(2)</b> The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.</p>
Constitution of Canada	<p><b>Section 35 (1)</b> The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.</p> <p><b>Section 35 (3)</b> For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.</p>
Constitution of Venezuela	<p><b>Article 119:</b> The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and <b>original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life.</b> It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the <b>right to collective ownership of their lands</b>, which shall be inalienable, not subject to the law of limitations or distraint, and non-transferable, in accordance with this Constitution and the law.</p>
Constitution of Bolivia	<p><b>Article 30. II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>6. To the <b>collective titling of lands and territories.</b></p> <p><b>Article 31. I.</b> The indigenous originary nations and people in danger of extinction, in situation of voluntary isolation and not contacted, will be protected and respected in their individual and <b>collective ways of life.</b></p> <p><b>Article 394. III.</b> The State recognizes, protects and guarantees communitarian or <b>collective property, which includes indigenous originary farmer territory</b>, native, intercultural communities and rural communities. Collective property is declared</p>

	<p>indivisible, imprescribable, non-attachable, inalienable and irreversible, and will not be subjected to agrarian property taxes. Communities can be titleholders, recognizing the complementary character of collective and individual rights, respecting territorial unity with identity.</p>
<p><b>ILO Convention No. 107</b></p>	<p><b>Article 11.</b> The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.</p> <p><b>Article 7(1).</b> In defining the rights and duties of the populations concerned regard shall be had to their customary laws. (2) These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.</p>

Annexe 2(3)

Right to Land, Territory and Natural Resources

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of the Philippines	<p><b>Article-XII : Section 5.</b> The State, subject to the provisions of this Constitution and national development policies and programs, <b>shall protect the rights</b> of indigenous cultural communities <b>to their ancestral lands</b> to ensure their economic, social, and cultural well-being.</p> <p><b>Article-XIII: Section 6.</b> The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, <b>subject to</b> prior rights, homestead rights of small settlers, and <b>the rights of indigenous communities to their ancestral lands.</b></p>
Constitution of Canada	<p><b>Section 35 (1)</b> The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.</p> <p><b>Section 35 (3)</b> For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.</p>
Constitution of Indonesia	<p><b>Article 18B(2)</b> The State recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.</p>
Constitution of Malaysia	<p><b>Article 161A. (5)</b> Article 89 shall not apply to the State of Sabah or Sarawak, and Article 8 shall not invalidate or prohibit any provision of State law in the State of Sabah or Sarawak for the reservation of land for natives of the State or for alienation to them, or for giving them preferential treatment as regards the alienation of land by the State.</p>
Constitution	<p><b>Article 119:</b> The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs,</p>

of Venezuela	<p>languages and religions, as well as their habitat and <b>original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life.</b> It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the <b>right to collective ownership of their lands</b>, which shall be inalienable, not subject to the law of limitations or distraint, and nontransferable, in accordance with this Constitution and the law.</p>
Constitution of Bolivia	<p><b>Article 2.</b> Given the pre-colonial existence of the indigenous originary farmer nations and people and their ancestral domain over their territories, their free determination is guaranteed within the framework of the unity of the State, which consists in <b>their right to</b> autonomy, to self-government, to their culture, to the recognition of their institutions and to the consolidation of <b>their territorial entities</b>, in accordance to this Constitution and to the law.</p> <p><b>Article 30.I.</b> The indigenous originary farmer nations and people constitute the human collective groups that share cultural identity, language, historical tradition, institutions, <b>territoriality</b>, and cosmovisions, with an existence prior to the Spanish colonial invasion.</p> <p><b>Article 30.II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>6. To the collective titling of lands and territories.</p> <p><b>Article 31.I.</b> The indigenous originary nations and people in danger of extinction, in situation of voluntary isolation and not contacted, will be protected and respected in their individual and collective ways of life.</p> <p><b>Article 388.</b> The indigenous originary farmer communities located within forest areas will have the exclusive right to their use and their management, in accordance with the law.</p> <p><b>Article 394.III.</b> The State recognizes, protects and guarantees communitarian or collective property, which includes indigenous originary farmer territory, native, intercultural communities and rural communities. Collective property is declared indivisible, imprescribable, non-attachable, inalienable and irreversible, and will not be subjected to agrarian property taxes. Communities can be titleholders, recognizing the complementary character of collective and individual rights, respecting territorial unity with identity.</p> <p><b>Article 403.I.</b> The totality of the indigenous originary farmer territory is recognized, which includes the right to its land, to the use and exclusive utilization of the renewable natural resources under the conditions determined by law; to prior and informed consultation and to participation in the benefits of the exploitation of the non-renewable natural resources that are found in their territories; to the authority to apply their own norms, administered by their structures of representation, and to define their development in accordance to their own cultural criteria and principles of harmonious coexistence with nature. The indigenous originary farmer territories can be composed of communities.</p> <p><b>II.</b> The indigenous originary farmer territory includes areas of production, areas of use and conservation of natural resources and spaces for social, spiritual and cultural reproduction. The law will establish the procedure for the recognition of these rights.</p>

Annexe 2(4)

Local Government/Self-Government/Autonomous Areas

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Indonesia	<p><b>Article 18(1)</b> The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (kabupaten) and municipalities (kota), each of which shall have regional authorities which shall be regulated by law.</p> <p>(2) The regional authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy and the duty of assistance (tugas pembantuan).</p> <p>(5) The regional authorities shall exercise wide-ranging autonomy, except in matters specified by law to be the affairs of the central government.</p> <p><b>Article 18B(1)</b> The State recognises and respects units of regional authorities that are special and distinct, which shall be regulated by law.</p>
Constitution of Philippines	<p><b>Article X [Local Government General Provisions] Section 1.</b> The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.</p> <p><b>[Autonomous Regions Section] 15.</b> There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.</p>
Constitution of Spain	<p><b>[National Unity, Regional Autonomy] Article 2 .</b> The Constitution is based on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of the nationalities and regions which make it up and the solidarity among all of them.</p> <p><b>Article 143 [Autonomy Initiative] (1)</b> In the exercise of the right to autonomy recognized in Article 2, bordering provinces with common historical, cultural, and economic characteristics, the island territories, and the provinces with a historical regional unity may accede to self-government and constitute themselves into autonomous communities in accordance with the provisions of that Title and the respective statutes.</p>

<p><b>Constitution of</b></p> <p><b>India</b></p>	<p><b>244A.</b> Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.</p> <p>(1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in 7[Part I] of the table appended to paragraph 20 of the Sixth Schedule and create therefor—(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or (b) a Council of Ministers, or both with such constitution, powers and functions, in each case, as may be specified in the law.</p> <p><b>243D.</b> Reservation of seats. (1) Seats shall be reserved for—(a) the Scheduled Castes; and (b) the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.</p> <p>(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.</p> <p>(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:</p> <p>Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:</p> <p>Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:</p> <p>Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.</p>
<p><b>Constitution of Nepal</b></p>	<p><b>Article 21. Right to Social Justice:</b> (1) Women, Dalit, indigenous tribes, Madheshi community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the <b>right to participate in the state mechanism</b> on the basis of proportional inclusive principles.</p>
	<p><b>Article 246. Tribal Areas.</b>—In the Constitution—</p> <p>(a) “Tribal Areas” means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes—(i) the Tribal Areas of <sup>1</sup>[Balochistan] and the <sup>1</sup>[Khyber Pakhtunkhawa] Province; (ii) the former States of</p>

<p><b>Constitution of Pakistan</b></p>	<p>Amb, Chitral, Dir and Swat; [(iii) Tribal Areas adjoining Lakki Marwat District; and (iv) Tribal Areas adjoining Tank District.]</p> <p>(b) "Provincially Administered Tribal Areas" means –,(i) the districts of Chitral, Dir and Swat (which includes Kalam) <sup>3</sup>[the Tribal Area in Kohistan district,] Malakand Protected Area, the Tribal Area adjoining <sup>4</sup>[Mansehra] district and the former State of Amb; and (ii) Zhob district, Loralia district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district; and</p> <p>(c) "Federally Administered Tribal Areas" includes (i) Tribal Areas, adjoining Peshawar district; (ii) Tribal Areas, adjoining Kohat district; (iii) Tribal Areas, adjoining Bannu district; (iv) Tribal Areas adjoining Dear Ismail Khan district; <sup>5</sup>[(v) Bajaur Agency; (va) Orakzai Agency;] (vi) Mohmand Agency; (vii) Khayber Agency; (viii) Kurram Agency; (ix) North Waziristan Agency; and (x) South Waziristan Agency.</p>
<p><b>Constitution of Finland</b></p>	<p><b><i>Section 121 - Municipal and other regional self-government</i></b></p> <p>Finland is divided into municipalities, whose administration shall be based on the self-government of their residents. Provisions on the general principles governing municipal administration and the duties of the municipalities are laid down by an Act. ....</p> <p>Provisions on self-government in administrative areas larger than a municipality are laid down by an Act. <b>In their native region, the Sami have linguistic and cultural self-government, as provided by an Act.</b></p>
<p><b>Constitution of Mexico</b></p>	<p><b>Article 2....</b>The right to self determination of the indigenous peoples shall be granted within a framework of autonomy according to the Constitution and in a way which preserves the national unity. State Constitutions and State laws shall establish the guidelines according to which indigenous peoples will be recognised as such. In doing so, State legal system shall take into account the general principles of laws and ethno-linguistic and territorial criteria.</p> <p><b>Article 2A</b> This constitution recognizes and enforces the rights of the indigenous peoples and communities to self determination and therefore their autonomy to:</p> <p>VII. Elect their representative to the municipal offices located at indigenous municipalities. State Constitutions and State laws shall enforce and regulate such a right in order to strengthen participation and representation of indigenous peoples according with their traditions and internal regulations.</p>
<p><b>Constitution of Malaysia</b></p>	<p><b>Article number 153.(1)</b> It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article.</p> <p><b>(2)</b> Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of</p>

	<p>the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licences.</p>
<p><b>Constitution of Bolivia</b></p>	<p><b>Article 2.</b> Given the pre-colonial existence of the indigenous originary farmer nations and people and their ancestral domain over their territories, their free determination is guaranteed within the framework of the unity of the State, which consists in their right to autonomy, to self-government, to their culture, to the recognition of their institutions and to the consolidation of their territorial entities, in accordance to this Constitution and to the law.</p> <p><b>Article 30.II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>5. To have their institutions be part of the general structure of the State.</p> <p>17. To autonomous indigenous territory administration, and to the use and exclusive management of the renewable natural resources existent in their territories without prejudice of the rights legitimately acquired by third persons.</p> <p><b>Article 269. I.</b> Bolivia is organized territorially into departments, provinces, municipalities and indigenous originary farmer territories.</p> <p><b>Article 289.</b> The indigenous originary farmer autonomy consists in self-government as an exercise of free determination of the indigenous originary farmer nations and people, of which population share territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions.</p> <p><b>Article 290.I.</b> The formation of the indigenous originary farmer autonomy is based on the ancestral territories, currently inhabited by those nations and people, expressed in consultation, in accordance with the Constitution and the law.</p>

Annexe 2(5)

Consent and Consultation in making Laws on indigenous peoples

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of India	<p><b>Article 371G.</b> Notwithstanding anything in this Constitution,— (a) no Act of Parliament in respect of— (i) religious or social practices of the Mizos, (ii) Mizo customary law and procedure, (iii) administration of civil and criminal justice involving decisions according to Mizo customary law, (iv) ownership and transfer of land, shall apply to the State of Mizoram unless the Legislative Assembly of the State of Mizoram by a resolution so decides:</p> <p>Provided that nothing in this clause shall apply to any Central Act in force in the Union territory of Mizoram immediately before the commencement of the Constitution (Fifty-third Amendment) Act, 1986;</p>
Constitution of Philippines	<p><b>Article-XV (General Provision): Section 12.</b> The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.</p>
Constitution of Bolivia	<p><b>Article 30.II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>15. To be consulted by means of the appropriate procedures, and in particular through their institutions, every time legislative or administrative measures susceptible of affecting them are anticipated. Within this framework, the right to an obligatory prior consultation will be respected and guaranteed, conducted by the State, in good faith and in an agreed manner, regarding the exploitation of non-renewable natural resources within the territory where are settled.</p> <p><b>Article 304.I.</b> The indigenous originary farmer autonomies can exercise the following exclusive competences:</p> <p>21. Participate, develop and execute the mechanisms of prior, free and informed consultation related to the application of legislative, executive and administrative measures that affect them.</p>
Constitution	<p><b>Article 21. Right to Social Justice:</b> (1) Women, Dalit, indigenous tribes, Madheshi</p>

of Nepal	community, oppressed group, the poor peasant and labourers, who are economically, socially or educationally backward, shall have the <b>right to participate in the state mechanism</b> on the basis of proportional inclusive principles.
Constitution of Denmark	Section 42 [Referendum] (8) Rules for Referenda, <b>including</b> the extent to which Referenda shall be held on the Faeroe Islands and in <b>Greenland</b> , shall be <b>laid down by Statute</b> .
Constitution of Canada	Section 35 (1) <b>The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.</b>
GC-23 of ICERD	4. The Committee calls in particular upon States parties to: (a)..., (b)..., (c)..., (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

Annexe 2(6)  
Reservation of Seats in Parliament

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Pakistan	<p><b>Article 51. National Assembly.</b>—(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p><b>Article 59 (1)</b> The Senate shall consist of one hundred members, of whom – (b) Eight shall be elected from Federally Administered Tribal Areas, in such manner as the President may, by order, prescribe;</p>
Constitution of India	<p><b>Article 330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.</b></p> <p><b>Article 330</b> (1) Seats shall be reserved in the House of the People for —(a) the Scheduled Castes; [(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam.</p> <p><b>Article 332.</b> Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.</p> <p>(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State ***.</p> <p>(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.</p> <p>5[(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the readjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—</p> <p>(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;</p> <p>(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the</p>

	<p>Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.</p> <p>(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventysecond Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.</p>
<p><b>Constitution of Nepal</b></p>	<p><b>Article 45. Constitution of Legislature-Parliament:</b> (1) There shall be a unicameral Legislature-Parliament in Nepal which shall consist of the following 330 members: (c) 48 members from among the Samyukta Bam Morcha, people based and professional organizations, class organizations and professional bodies, oppressed tribe, backward region, <b>indigenous tribe</b>, women and various political personalities nominated through understanding.</p> <p><b>Article 63. Formation of the Constituent Assembly:</b> (3) The Constituent Assembly shall consist of the following four hundred twenty five members, out of which four hundred and nine members shall be elected through Mixed Electoral System and sixteen members shall be nominated, as provided for in the law:- (a) two hundred and five members shall be elected from among the candidates elected on the basis of First-Past-the-Post system from each of the Election Constituencies existed in accordance with the prevailing law before the commencement of this Constitution. (b) two hundred and four members shall be elected under the proportional electoral system on the basis of the votes to be given to the political parties, considering the whole country as one election constituency.</p> <p>(4) The principle of inclusiveness shall be taken into consideration while selecting the candidates by the political parties pursuant to sub-clause (a) of clause (3) above, and while making the list of the candidates pursuant to sub-clause (b) above, <b>the political parties shall have to ensure proportional representation of women, Dalit, oppressed tribes/indigenous tribes</b>, backwards, Madhesi and other groups, in accordance as provided for in the law.</p>
<p><b>Constitution of Denmark</b></p>	<p><b>Section 28 [Membership]</b> The Parliament shall consist of one assembly of not more than one hundred and seventy-nine Members, of whom two Members shall be elected on the Faeroe Islands and <b>two Members in Greenland</b>.</p> <p><b>Section 31 [Elections]</b> (5) Special rules for the representation of Greenland in the Parliament may be laid down by Statute.</p> <p><b>Section 32 [Period]</b> (5) Special rules may be provided by Statute for the commencement and determination of Faeroe Islands and Greenland representation in the Parliament.</p>

<p><b>Constitution of Philippines</b></p>	<p><b>Article-VI: Section 5.(2)</b> The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, <b>indigenous cultural communities</b>, women, youth, and such other sectors as may be provided by law, except the religious sector.</p>
<p><b>Constitution of Venezuela</b></p>	<p><b>Article 125:</b> Native peoples have the right to participate in politics. The State shall guarantee native representation in the National Assembly and the deliberating organs of federal and local entities with a native population, in accordance with law.</p> <p><b>Article 186:</b> The National Assembly shall consist of Deputies elected in each of the federal entities by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of 1. 1 % of the total population of the country. Each federal organ shall also elect three additional deputies.</p> <p><b>The native peoples of the Bolivarian Republic of Venezuela shall elect three deputies in accordance with the provisions established under election law, respecting the traditions and customs thereof..</b></p> <p><b>Constituents for Indigenous Communities :</b>Guillermo Guevara; José Luis González; Noelí Pocaterra de Oberto</p>
<p><b>Constitution of Bolivia</b></p>	<p><b>Article 147.II.</b> In the election of assembly members the proportional participation of the indigenous originary farmer nations and people will be guaranteed.</p>

Annexe 2(7)

Consent and Consultation in amending Constitutional Provision relating to indigenous peoples

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Pakistan	<p><b>Article 247. Administration of Tribal Areas.</b> (6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:</p> <p>Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal jirga.</p>
Constitution of Canada	<p><b>Section 35.1</b> The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the <i>Constitution Act, 1867</i>, to section 25 of this Act or to this Part, (a) ...; and</p> <p>(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item.</p>
Constitution of Malaysia	<p><b>Article 161E.(2)</b> No amendment shall be made to the Constitution without the concurrence of the Yang di-Pertuan Negeri of the State of Sabah or Sarawak or each of the States of Sabah and Sarawak concerned, if the amendment is such as to affect the operation of the Constitution as regards any of the following matters:</p> <p>(a) the right of persons born before Malaysia Day to citizenship by reason of a connection with the State, and (except to the extent that different provision is made by the Constitution as in force on Malaysia Day) the equal treatment, as regards their own citizenship and that of others, or persons born or resident in the State and of persons born or resident in the States of Malaya;</p> <p>(b) ...; (c) ....; (d) ....; (e) .....</p> <p>(3) No amendments to the Constitution which affects its operation as regards the quota of members of the House of Representatives allocated to the State of Sabah or Sarawak shall be treated for purposes of Clause (1) as equating or assimilating the position of that State to the position of the States of Malaya.</p> <p>(4) In relation to any rights and powers conferred by federal law on the Government of the State of Sabah or Sarawak as regards entry into the State and residence in the State and matters connected therewith (whether or not the law is passed before</p>

	Malaysia Day) Clause (2) shall apply, except in so far as the law provides to the contrary, as if the law had been embodied in the Constitution and those rights and powers had been included among the matters mentioned in paragraphs (a) to (e) of that Clause.
<b>Constitution of Philippines</b>	<b>Article-XV (General Provision): Section 12.</b> The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.
<b>GC-23 of ICERD</b>	4. The Committee calls in particular upon States parties to: (a)..., (b)..., (c)..., (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

Annexe-3(1)

Emancipation from Exploitation

Constitution/ International Covenant/ Policy	Text of the Articles/Sections
Constitution of Nepal	<p><b>Article 35. State Policies:</b>(9) The state shall pursue a <b>policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.</b></p> <p>(10) The State shall pursue <b>a policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</b></p> <p>(14) The State shall pursue <b>a policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded labourers, disabled, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.</b></p> <p><b>Nepal Article 33. Responsibilities of the State:</b> The State shall have the follows responsibilities:</p> <p>(d) To carry out an inclusive, democratic and progressive restructuring of the State by eliminating its existing form of centralized and unitary structure in order to address the problems related to women, Dalits, indigenous tribes, Madhesis, oppressed and minority community and other disadvantaged groups, by eliminating class, caste, language, sex, culture, religion and regional discriminations.</p>
Constitution of Mexico	<p>Article 2B. The Federation, States and Municipalities – working along with indigenous peoples – shall provide for agencies and policies directed to promote not equal opportunities for indigenous individuals but also prevent discriminatory practices against them. Such agencies and policies shall enforce the indigenous' rights as well as integral development for indigenous peoples and communities alike.</p>

Annexe 3(2)  
Education & in the Mother Tongue

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of India	<p><b>Article 30.</b> Right of minorities to establish and administer educational institutions.</p> <p>(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.</p> <p>(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.</p> <p>(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.</p> <p><b>Article 350A.</b> It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.</p>
Constitution of Malaysia	<p><b>Article 152.1 (1)</b> The national language shall be the Malay language and shall be in such script as Parliament may by law* provide:</p> <p>Provided that- <b>(a) no person shall be prohibited or prevented</b> from using (otherwise than for official purposes), or <b>from teaching or learning, any other language</b>; and <b>(b)</b> nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.</p>
Constitution of Philippines	<p><b>Article-XIV: Section-2(4)</b> Encourage non-formal, informal, and <b>indigenous learning systems</b>, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs;</p>

<p><b>Constitution of Venezuela</b></p>	<p><b>Article 121:</b> Native peoples have the right to maintain and develop their ethnical and cultural entity, world view, values, spirituality and holy places and places of cult. The State shall promote the appreciation and dissemination of the cultural manifestations of the native peoples, who have the right to their own education, and an education system of an intercultural and bilingual nature, taking into account their special social and cultural characteristics, values and traditions.</p>
<p><b>Constitution of Bolivia</b></p>	<p><b>Article 30.II.</b> Within the framework of the State's unity and in accordance with this Constitution the indigenous originary farmer nations and people enjoy the following rights:</p> <p>12. To an intracultural, intercultural and plurilingual education in all of the educational system.</p>

Annexe 3(3)

Special Provision for Indigenous Peoples (Prohibition of Discrimination)

International Instrument/ National Constitution/ Policy	Extracts from Text
Constitution of Malaysia	<p><b>Article number: 8 (1)</b> All persons are equal before the law and entitled to the equal protection of the law. ....</p> <p><b>(5)</b> This Article does not invalidate or prohibit – (c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service;</p> <p><b>153.(1)</b> It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article.</p> <p><b>161A.(4)</b> The Constitutions of the States of Sabah and Sarawak may make provision corresponding (with the necessary modifications) to Article 153.</p> <p><b>(6)</b> In this Article "native" means- (a) in relation. to Sarawak, a person who is a citizen and either belongs to one of the races specified in Clause (7) as indigenous to the State or is of mixed blood deriving exclusively from those races; and (b) in relation to Sabah, a person who is a citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth.</p> <p><b>(7)</b> The races to be treated for the purposes of the definition of "native" in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (Including Sabups and Sipengs), Kajangs (including Sekapans,. Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.</p>
Constitution of India	<p><b>Article 15.</b> Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.</p> <p><b>(4)</b> Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.</p> <p><b>[(5)</b> Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or</p>

	<p>the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]</p> <p><b>Article 46.</b> Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.</p> <p><b>Article 275.</b> Grants from the Union to certain States.</p> <p>(1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:</p> <p>Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State:</p>
Interim Constitution of Nepal	<p><b>Article 13. Right to Equality:</b> (3) The State shall not discriminate among citizens on grounds of religion, race, caste, tribe, sex, origin, language or ideological conviction or any of these.</p> <p><b>Provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or advancement of the interests of women, Dalit, indigenous ethnic tribes, Madeshi, or peasants, labourers or those who belong to a class which is economically, socially or culturally backward and children, the aged, disabled and those who are physically or mentally incapacitated.</b></p> <p><b>Article 35. State Policies:</b> (9) The state shall pursue a <b>policy of making special provisions of social security for the protection and welfare of single women, orphans, children, helpless, the aged, disabled, incapacitated persons and the disguising tribes.</b></p> <p>(10) The State shall pursue a <b>policy which will help to promote the interest of the marginalized communities and the peasants and labourers living below poverty line, including economically and socially backward indigenous tribes, Madhesis, Dalits, by making reservation for a certain period of time with regard to education, health, housing, food sovereignty and employment.</b></p> <p>(14) The State shall pursue a <b>policy of making special provision based on positive discrimination to the minorities, landless, squatters, bonded labourers, disabled, backward communities and sections, and the victims of conflict, including women, Dalits, indigenous tribes, Madhesis and Muslims.</b></p>

<p><b>Constitution of Venezuela</b></p>	<p><b>Article 119:</b> The State recognizes the existence of native peoples and communities, their social, political and economic organization, their cultures, practices and customs, languages and religions, as well as their habitat and original rights to the lands they ancestrally and traditionally occupy, and which are necessary to develop and guarantee their way of life. It shall be the responsibility of the National Executive, with the participation of the native peoples, to demarcate and guarantee the right to collective ownership of their lands, which shall be inalienable, not subject to the law of limitations or distraint, and non-transferable, in accordance with this Constitution and the law.</p> <p><b>Article 126:</b> Native peoples, as cultures with ancestral roots, are part of the Nation, the State and the Venezuelan people, which is one, sovereign and indivisible. In accordance with this Constitution, they have the duty of safeguarding the integrity and sovereignty of the nation. The term people in this Constitution shall in no way be interpreted with the implication it is imputed in international law.</p>
<p><b>Constitution of Bolivia</b></p>	<p><b>Article 3.</b> The Bolivian nation is formed by the totality of the Bolivian males and females, the indigenous originary farmer nations and people, and the intercultural and afro-Bolivian communities which altogether make up the Bolivian people.</p>

**Annexe 3(4)**  
**Equal Opportunity in Public Services**

International Instrument/ National Constitution /Policy	Extracts from Text
<b>Constitution of Malaysia</b>	<p><b>Article 153.(2)</b> Notwithstanding anything in this Constitution, but subject to the provisions of Article 40 and of this Article, the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government and, when any permit or licence for the operation of any trade or business is required by federal law, then, subject to the provisions of that law and this Article, of such permits and licences.</p>
<b>Constitution of India</b>	<p><b>Article 16.</b> Equality of opportunity in matters of public employment.  (4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.</p> <p><b>Article 335.</b> Claims of Scheduled Castes and Scheduled Tribes to services and posts.  <b>335.</b> The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:</p> <p>Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.</p>
<b>Constitution</b>	<p><b>Article 2B.</b> The Federation, States and Municipalities – working along with indigenous peoples – shall provide for agencies and policies directed to promote not equal opportunities for indigenous individuals but also prevent discriminatory practices</p>

<b>of Mexico</b>	against them. Such agencies and policies shall enforce the indigenous' rights as well as integral development for indigenous peoples and communities alike.
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**Annexe 3(5)**  
**Restrictions on the exercise of Freedom of Movement**  
**for the protection of the interests of indigenous peoples**

International Instrument/ National Constitution/ Policy	Extracts from Text
<b>Constitution of India</b>	<p><b>Article 19.</b> Protection of certain rights regarding freedom of speech, etc.</p> <p>(5) Nothing in 1[sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.</p>
<b>Interim Constitution of Nepal</b>	<p><b>Article 12. Right to Freedom:</b></p> <p>(3) Every citizen shall have the following freedoms:</p> <p>(e) freedom to move and reside in any part of Nepal; and Provided that,</p> <p>(4) nothing in sub-clause (e) shall be deemed to prevent the making of laws which are in the interest of the general public, or which are made to impose reasonable restrictions on any act which may jeopardize the harmonious relations subsisting among the peoples of various castes, tribes, religion or communities.</p>
<b>Constitution of Bolivia</b>	<p><b>Article 304.I.</b> The indigenous originary farmer autonomies can exercise the following exclusive competences:</p> <p>7. Administration and preservation of protected areas in their jurisdiction, within the framework of the policy of the State.</p> <p><b>Article 385.II.</b> Wherever indigenous originary farmer protected areas and territories overlap, shared management will be undertaken, subject to the norms and procedures of the indigenous originary farmer nations and people, respecting the objective of creation of these areas.</p>