UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ON CUSTOMARY LAWS

Even to this day, Thakali people in Nepal’s Mustang valley swear on holy water from Kali Gandaki River to resolve disputes in the presence of Mukhiya (local chief). For serious disputes, a holy assembly (Dharmasava) is convened whereby people swear on their holy book Dhorchhecho. Only two cases have been filed in Mustang’s state court - and they are from other communities.

- Based on Purna Prasad Tulachan’s case study, Asia Indigenous Peoples’ Perspectives on Development

INDIGENOUS PEOPLES HAVE THE RIGHT TO MAINTAIN AND STRENGTHEN THEIR OWN POLITICAL, LEGAL, SOCIAL AND CULTURAL INSTITUTIONS WHILE RETAINING THEIR RIGHT TO FULLY PARTICIPATE IN THOSE INSTITUTIONS OF THE STATE. - ARTICLE 5

INDIGENOUS PEOPLES HAVE THE RIGHT TO PRACTISE AND REVITALIZE THEIR CULTURAL TRADITIONS & CUSTOMS, INCLUDING THE RIGHT TO MAINTAIN AND DEVELOP MANIFESTATIONS OF THEIR CULTURES, SUCH AS HISTORICAL SITES, ARTS, CEREMONIES, TECHNOLOGIES AND LITERATURE. STATES MUST DEVELOP EFFECTIVE MECHANISMS TOGETHER WITH INDIGENOUS PEOPLES TO PROVIDE REDRESS FOR THEIR CULTURAL, INTELLECTUAL, RELIGIOUS AND SPIRITUAL PROPERTIES TAKEN WITHOUT THEIR FREE, PRIOR AND INFORMED CONSENT OR IN VIOLATION OF THEIR LAWS, TRADITIONS AND CUSTOMS. - ARTICLE 11

INDIGENOUS PEOPLES HAVE THE RIGHT TO PRACTISE AND DEVELOP THEIR SPIRITUAL AND RELIGIOUS TRADITIONS, THE RIGHT TO USE AND PROTECT THEIR RELIGIOUS AND CULTURAL SITES AND CONTROL THEIR CEREMONIAL OBJECTS AND THE RIGHT TO HAVE THEIR HUMAN REMAINS RETURNED. - ARTICLE 12

RESPECTING INDIGENOUS CUSTOMS, TRADITIONS AND LAND TENURE SYSTEMS, THROUGH AN IMPARTIAL, OPEN AND TRANSPARENT PROCESS WITH FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES. - ARTICLE 26, 27

INDIGENOUS PEOPLES HAVE THE RIGHT TO OWN, DEVELOP AND CONTROL THE LANDS, TERRITORIES AND RESOURCES THEY HAVE TRADITIONALLY OWNED OR OTHERWISE ACQUIRED. STATES MUST LEGALLY RECOGNIZE AND PROTECT THIS RIGHT BY INTO ACCOUNT INDIGENOUS CUSTOMS, TRADITIONS, RULES AND LEGAL SYSTEMS AND INTERNATIONAL HUMAN RIGHTS STANDARDS. - ARTICLE 34