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【論文】

Heritage and the Human Rights of Indigenous and Minority Peoples

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ABSTRACT

While heritage is important to all societies, Indigenous peoples and other minority peoples have long had little control over their heritage as a result of colonialism and other historical disruptions. This is further complicated by the fact that Indigenous conceptions of heritage are generally very different from those of the dominant population. In order to more fully protect and respect their heritage, which is essential to their identity, worldview and wellbeing, we must recognize two things: 1) that heritage must be viewed as an essential human right, and 2) that the disrespect for or loss of Indigenous heritage places must be viewed as a type of violence against people. Also discussed is the impact of cultural appropriation on Indigenous lives. The paper concludes by offering some general recommendations for addressing these challenges.

Keywords: Indigenous peoples, human rights, heritage, archaeology, cultural appropriation

Introduction

In today's politically charged and more socially conscientious world of the Black Lives Matter, #Me Too, and “Nothing about us without us” movements, calls for social justice by marginalized, un(der)represented, and invisible peoples have become increasingly strident. There is new energy in the discourse on identity, self-representation, and human rights, and greater efforts to do something about these (d' Alpoim et al. 2021, Flewellen et al. 2021). All of this resonates with Indigenous and other minority peoples whose struggle for recognition, respect, and sovereignty continues. Although the United Nations' Declaration on the Rights of Indigenous Peoples¹ (UNDRIP) now provides a roadmap for change, there is the need not only to educate both the public and policy makers of what those rights are, but to explain why they are so vital to the affected peoples' identity, wellbeing, and cultural continuity. What is the role of heritage in this context? That is the focus of this paper.

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1 https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Heritage is what connects people to their progenitors over countless generations, and is central to who they are as a family, a clan, a community, or a nation. Heritage links people to places, while objects from the past—the belongings of their ancestors—provide a tangible connection to lives lived centuries or millennia ago. The benefits that flow from heritage are such essential parts of people's identity that protection of everyone's heritage should be considered a basic human right.

However, while heritage is important to all societies, Indigenous peoples and other minority peoples have long had little control over their heritage as a result of colonialism and other historical disruptions. Their sense of history, identity, beliefs, and well-being are intrinsically tied to conceptions and expressions of heritage, both tangible and intangible, but often in ways that are fundamentally different from those of the dominant societies in their homelands. Even today, the challenges associated with state-controlled heritage legislation are substantial and a continuing source of conflict, with substantial social, political, and economic consequences. Indeed, the limited power of Indigenous and minority peoples to make decisions concerning the control of their own heritage and welfare is a continuing denial of human rights (Kapchan 2014). In addition, the lack of acknowledgement by governments of Indigenous peoples' intangible heritage and the destruction of ancient sites, burial grounds, and sacred places needs to be seen as a form of violence (Nicholas and Smith 2020).

In this paper I argue two points. The first is that access to, and benefits from, a people's heritage is a basic human right, and that the appropriation, denigration, or destruction of that heritage is a denial of this fundamental human right. The second point is that the harms that occur when Indigenous peoples' heritage is lost or threatened through intentional actions, inaction, or ignorance by others constitutes a form of structural violence. I explore each of these topics individually, and then discuss their intersection in the context of the cultural appropriation of Indigenous heritage.

Defining “Heritage?”

Heritage means different things to different people. From a Western perspective, heritage is largely about things. In both common usage and heritage resource management, “cultural property” is usually viewed as having physical form. The emphasis on the tangible – on objects, structures, and places – is understandable (Harrison 2010; Nicholas 2017a). These are easily observed, and are used to identify and evaluate what is considered “significant,” based upon

scientific values. There may be some consideration of historical, religious, and local values.

However, for many Indigenous peoples, heritage is conceived of quite differently. Indeed, Indigenous values, beliefs, and knowledge systems are often fundamentally different from that of the dominant population. Based on what I have learned from working with Indigenous peoples in the Americas, Australia, Japan, and elsewhere, I find that heritage is best defined as the objects, places, knowledge, customs, practices, stories, songs, and designs, passed between generations, that define or contribute to a person's or group's identity, history, worldview, and well-being. This broader and more inclusive orientation is evident in the statement of one Yukon elder in northern Canada, who stated that heritage “... is everything that makes us who we are” (Carcross-Tagish First Nation et al. 2016:37).

This creates significant challenges for those responsible for identifying and protecting heritage objects and places because of four factors:

- 1) Heritage is not just about things. Ancient objects are important expressions of history and may have great much scientific importance. However, no artifact or archaeological site has any meaning without the intangible values given to them.
- 2) Heritage isn't limited to “the past.” For some Indigenous peoples there is no division between the natural and supernatural realms. Notions of “past” and “present” may be folded together. This means that ancestral beings and other forces are part of *this* existence.
- 3) Heritage is woven into the fabric of indigenous societies. The word “heritage” may even be absent in some Indigenous language since what it represents is so much a part of people's lives.
- 4) Heritage is best managed with or by the community. All peoples need to have access to, and to be able to make decisions about, their own heritage in whatever form it exists. Too often the community is not a part of decisions made by state authorities. How can outsiders make decisions about someone else's heritage —Ainu *chasi*, for example, served as both hilltop fortifications and ceremonial places (Utagawa 1992) (Figure 1)— when they are unaware of, or don't understand, local values, needs, and consequences?

Ultimately, discerning different conceptions of what heritage is, its role within each society, and the consequences of its loss is not just an academic exercise, but a necessary task to those local or state-level agencies charged with that responsibility.

Heritage as a Basic Human Right

Human rights are the fundamental rights and freedoms that belong to all people, regardless of race, sex, nationality, ethnicity, language, or religion. They are based on shared values such as dignity, fairness, equality, respect, and independence. The United Nation's *International Bill of Human Rights* includes the *Universal Declaration of Human Rights*², passed in 1948. As outlined in these documents, human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, and the right to work and to receive an education.

What about heritage? The *International Covenant on Economic, Social and Cultural Rights*³ highlights the right to benefits from scientific progress and to benefit from the protection of the moral and material rights to any scientific discovery or artistic work they have created. However, it stops short of including the right to protect and enjoy cultural heritage as a human right (see Kapchan 2014; Silverman and Ruggles 2007).

The United Nations *Declaration on the Rights of Indigenous Peoples* does identify the specific rights of Indigenous peoples in regards to their cultural heritage. This is addressed in Articles 11, 12, and 31 of the Declaration, as illustrated with these extracts:

Article 11.1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 12.1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 31.1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, Traditional Knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures,

2 <https://www.ohchr.org/documents/publications/compilation1.1en.pdf>

3 <https://www.ohchr.org/en/professionalinterest/pages/cesr.aspx>

designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions.

These are powerful statements. But there are two limitations regarding heritage.

The first is that there is no acknowledgement of what happens when governments and others ignore or act contrary to those listed rights —what is often termed “human rights abuses.” For governments, this may be an act of convenience, but there are consequences, often severe, for those whose rights are abused or ignored. The destruction of heritage objects or places, whether willful or accidental, can also be considered a different kind of abuse that can cause harm (Nicholas and Smith 2020), but which is often unacknowledged or ignored by those responsible.

The second limitation is the emphasis placed on tangible expressions of heritage. Tangible heritage — that is, objects and places— are emphasized in the *Hague Convention for the Protection of Cultural Property*⁴ (Table 1), and in the majority of national policies drafted to protect archaeological sites and materials (Nicholas 2017b). Emphasizing the tangible over the intangible results in a skewed and incomplete means of acknowledging, respecting and protecting Indigenous heritage.

Table 1. Hague Convention Definition of Cultural Property (1954).

The term 'cultural property' shall cover, irrespective of origin or ownership:

- (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
- (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

4 http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centers containing monuments'.

Fully recognizing, respecting, and protecting Indigenous cultural heritage ultimately involves engaging with the topics of consent, sovereignty and jurisdiction, social justice, and human rights. Effective and ethical heritage protection also requires Indigenous and minority peoples have the ability to effectively control access to their ancestral sites. They must also benefit from research on their heritage that is done by others. Professional associations, government agencies, and international bodies are increasingly joining with universities and Indigenous organizations to develop solutions to these challenges. The United Nations has also set a broad mandate with the *Declaration on the Rights of Indigenous Peoples*, as well as those that are country specific (e.g., Canada's Truth and Reconciliation Commission's Recommendations⁵).

It is another matter to put this into practice. For example, in 2016 only months after Canada officially removed its objector status to the Declaration, Justice Minister Jodi Wilson-Raybould, herself Indigenous, called its adaptation into Canadian law "unworkable" in a statement to the Assembly of First Nations.⁶ In Australia, Aboriginal people have raised concerns about its slow implementation. In the United States, there are efforts to overturn the misguided policies of Trump administration, such reducing the size (and protected status) of large portions of several national parks, an action that directly threatens Indigenous heritage at Bear Ears National Monument and Grand Staircase-Escalante National Monument.⁷

In 2019, the Province of British Columbia signed into law the Declaration on the Rights of Indigenous Peoples Act. It "establishes the UN Declaration as the Province's framework for reconciliation, as called for by the TRC's Calls to Action." This is an important step but one that will require considerable time and effort to put into practice, especially as agencies and organizations realize that in order to make UNDRIP work, it requires that non-Indigenous parties give up some degree of power and control over Indigenous matters. (FOOTNOTE) Schaepe et al.

5 https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf

6 <http://ipolitics.ca/2016/07/12/ottawa-wont-adopt-undrip-directly-into-canadian-law-wilson-raybould/>

7 <https://www.sltrib.com/news/politics/2017/12/04/five-american-indian-tribes-furious-over-trump-shrinking-bears-ears-sue-the-president/>

(2020) provide recommendations for achieving this for some provincial heritage legislation.⁸

Additionally, heritage policies worldwide are strongly influenced by economic pressures. For example, in 2020, mining conglomerate Rio Tinto was responsible for the destruction of Juukan Gorge rock shelters, sacred to the Puutu Kunti Kurrama and Pinikura peoples of Western Australia (Pearson 2020). Similar destruction occurs globally (e.g., affecting the Maya [*Guardian* 2013] and the Sámi [Ojala and Nordin 2015]). Protecting heritage sites may thus position the needs of Indigenous peoples against the interests of private landowners and other interest groups. Some business corporations do try to practice what is known as corporate social responsibility (Carroll (1991), the goal of which is not for corporations to do more business, but to do their business ethically through respectful, beneficial, and sustainable practices (Visser 2008). One example is Matsui Forestry Company's relationship with the Biratori Ainu Association to allow their continuing use of the Saru Forest Matsui (2019). Unfortunately, such examples are rare. There is also no guarantee such agreements in Japan or elsewhere will continue, especially if the economic climate changes.

Finally, the most powerful manifestation of heritage site protection is largely the domain of professional heritage resource management, which is today over a multi-billion-dollar a year industry. However, some critics note that this profession, which is primarily intended to help commercial endeavors comply with heritage laws—actually helps development more than it protects Indigenous peoples' heritage (e.g., Gnecco 2018; Gould 2017).

Worldwide, there is currently too little sense of direction, too much inertia, or too little incentive by many of the parties who have a major role to play here. At the same time, in Australia, Canada, the United States and elsewhere the public sees millions of their tax dollars being spent to rectify poor decisions made regarding heritage preservation when threatened Indigenous burial grounds or sacred sites slated for destruction and development are eventually purchased by the government or recompense offered in some form. This can be illustrated with two examples, one from Japan, the other from Canada.

Nibutani Dam, Hokkaido, Japan. The construction of the Nibutani Dam in 1973 and the subsequent inundation of a large portion of the Saru River Valley severely challenged the livelihood and cultural traditions of the Indigenous Ainu (Maruyama 2012). The Ainu are dependent on the deeply

⁸ <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>

spiritual relationship they have with their land (Kosaka 2019). The flooding would destroy burial grounds and *casi* (“sacred places”). The expropriation of Ainu land was simply a continuation of centuries of disenfranchisement and assimilation of a people whose traditional territory, *Ainu Mosir*, once extended far beyond Hokkaido. A 1997 court ruling found that the expropriation was illegal, and the cultural and religious significance of the valley had not been considered. The acknowledged illegality of this massive construction project speaks strongly of the dismissal of the Ainu at that time.

In his memoir of Ainu life, Kayano Shigeru writes that “In the space of a mere 100 years, they [the Japanese state] nearly decimated the Ainu culture and language that had taken tens of thousands of years to come to being on this earth” (1994: 153). Somewhat ironically, what occurred at Nibutani ultimately led to the Japanese Diet officially recognizing the Ainu of the Indigenous people of Japan in 2008. Today, after centuries of oppression, the Japanese government is supporting Ainu cultural preservation. Yet there is no denying the harms the Ainu in Nibutani and elsewhere throughout Hokkaido have endured through discrimination and disenfranchisement (e.g., Ishihara 2021), coupled with the loss of heritage sites.

Grace islet, British Columbia, Canada. In 2014, a property owner was given permission by the Province to build a home on a small island (Figure 2) that was known to be an ancient First Nations burial ground (Nicholas et al. 2015). This resulted in massive protests by First Nations and their allies. One intervention was made by the Intellectual Property Issues in Cultural Heritage (IPinCH) project⁹ in the form of the *Declaration on the Safeguarding of Indigenous Ancestral Burial Grounds as Sacred Sites and Cultural Landscapes*¹⁰. This emphasized the global consensus on the importance of protecting ancestral burial sites, highlighted the existing legal and ethical obligations for these sites, and called on all involved to ensure the protection of Indigenous ancestral burial sites.

In 2015, in response to the First Nations claims and continuing protests, the provincial government purchased the islet from the landowner and it was turned over to the Nature Conservancy of Canada to preserve its “unique” natural environment. No mention was made of the burial ground in the official transaction documents. The Province paid the landowner \$5.45 million—\$840,000 for the property, and \$4.6 million for “losses suffered”. First Nations losses, arguably much greater, were never acknowledged or compensated.

9 www.sfu.ca/ipinch

10 <https://www.sfu.ca/ipinch/resources/declarations/ancestral-burial-grounds/>

These examples illustrate the difficulty of getting governments to protect Indigenous heritage sites despite their existing legal and moral obligation. It also shows the continued failure of government to recognize the rights of Indigenous peoples to protect their ancestral burial grounds or other locations considered sacred or of historical importance.

The Loss of Heritage as Violence

For many archaeologists, one of the darkest moments in memory was the destruction of the Bamiyan Buddhas in 2001 – until that event was eclipsed by the far wider destruction of artifacts and heritage sites such as Palmyra by ISIS in 2015. Highlighted in such instances of wanton destruction is the loss of history and scientific potential, which can be interpreted as violence against history (and, more cynically, archaeologists' livelihood). But what about the loss of less spectacular ancestral sites in settler counties, which occurs largely unnoticed every day? The cultural harms that occur when Native American, Ainu, Maori, and other heritage sites are lost through intentional denigration, destruction or appropriation, are an even greater assault.

The World Health Organization defines violence as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation.”¹¹

None of this is to detract attention from more explicit forms of harm. However, the destruction of heritage sites has a profound negative effect on those who find those places necessary to their historical continuity, identity, and both physical and psychological well-being. The loss of these heritage sites also threatens their survival as distinct societies. This is revealed by Hul'qumi'num elder Ruby Peters in British Columbia. She said that the disturbance of one ancient burial ground not only offended and disrupted relations with the deceased but also resulted in physical danger for the living (McLay et al. 2004).

When used to describe harms resulting from disturbing heritage sites, “violence” is seldom in the vocabulary of archaeologists, except when it involves — in an abstract way — acts of violence

11 https://www.who.int/violence_injury_prevention/violence/world_report/en/chap1.pdf

against “their” heritage. This was the reaction to the destruction of the Bamiyan Buddhas. But by looking at this through the lens of indigenous identity, we must acknowledge that real harm occurs to people in these situations. In other words, violence against heritage can be considered a denial of human rights (Kapchan 2014; Nicholas and Smith 2020).

If descendant groups are denied direct and meaningful means of engaging in decision making concerning their heritage, then heritage management policies are ineffective at best, and harmful at worst. In Canada, heritage legislation provides only limited protection of ancestral heritage. In some cases, there is unequal protection under the law for settler vs. Indigenous human remains, with the latter often considered to be scientific specimens. We must also be aware that the words we use can cause harm to descendant communities. It makes a difference if we use the words “artifacts: versus “belongings” or “skeletal remains” versus “ancestor.” (Wilson 2016; Zimmerman and Makes Strong Move 2016). This is also true of labeling important heritage sites by terms (or numbers) of convenience, rather than local or traditional names. One example of this is on the campus of Hokkaido University (Figure 3) – is this an ancestral Ainu site or “archaeological site K39”?

The Harms of Cultural Appropriation

One location where human rights and heritage loss intersect is the appropriation and commodification of indigenous heritage. By “appropriation,” I mean taking someone's property including intellectual property and using it without permission or recompense and in inappropriate or harmful ways. “Commodification” is taking that property and developing it into a commodity for sale.

Indigenous peoples have long suffered as the result of the appropriate, unwelcome, or harmful ways or uses of their heritage. In North America, virtually all elements of Native American heritage, traditional knowledge, and cultural objects/sites have long been viewed as part of the public domain, free for the taking and enjoyment of others. This is the case with Ainu, Aboriginal Australian, Native American, Sámi, Maori, Mayan, and others, in addition to African-American and other minority groups, and includes both contemporary and ancient expressions of their culture (Brown 2003; Eddy 2019; Kupecht 2014; Nicholas and Bannister 2004).

There are efforts to address this. For example, Article 31 of the United Nations Declaration state

that Indigenous peoples have the right to “maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures.” This extends to their intellectual property relating to intangible cultural heritage, traditional knowledge, and traditional cultural expressions (see Anderson and Geismar 2017; Riley 2004; Rimmer 2015).

However, such provisions are virtually impossible to monitor or enforce. Indigenous intellectual property — a vital part of their identity— is situated in customary law and culture. It is based on social relations and responsibilities. There may be no distinction between cultural property (or things) and intellectual property (or ideas). Also, it is concerned largely with people; ownership may be communal; and infringement results in cultural, spiritual and economic loss. This means that the elements of heritage most important to Indigenous peoples are not protected by patents or copyrights (Nicholas and Bell 2021; Roth 2019). This can threaten their cultural identity, livelihood, and wellbeing.

Why are indigenous peoples and other descendant groups concerned about how their cultural heritage is used by others? How are they harmed when sacred images are reproduced as t-shirts? The costs of appropriating or commodifying indigenous intellectual property include: 1) Diminished respect for the sacred; 2) Cultural distinctiveness becomes commercialized; 3) Improper/dangerous uses of special or sacred symbols to the uninitiated causes harm; 4) Reproductions replace original tribally produced work; and 5). Artistic control is lost.

Many groups do want to share aspects of their culture, including songs, dance, art, food, and clothing styles. But this must be done on their own terms. There are also some things to be shared and some things to be kept private. In order to respect their right, and allow them to both benefit from and control their own heritage, it is important that Indigenous peoples have the rights to:

- reassert control over objects, data, or knowledge recorded or collected by outsiders;
- decide who can access this material, and place restrictions on information that should not be public;
- prevent or control commercial use of their heritage;
- be recognized as legitimate beneficiaries in research that derives from their culture;
- protect sacred and significant sites; and
- have a say in the protection, management, and control of cultural artifacts, human remains,

archaeological and traditional sites, foods, resources, and other traditional and contemporary cultural expressions.

In addition, there is the relationship to the land that Indigenous peoples. It is not possible to separate their identity, spirituality, history, and all that they are from the land. This is evident with the Nibutani Ainu: “The Ainu cultural landscape contains many important places important to their heritage, including *chinomishiri* (“the place we pray for”), *casi* (*chashi*) (“sacred place”), and many named locations, none of which can be adequately represented or respected in museum exhibits. It is difficult to understand fully the Ainu culture without understanding the deep relationship between their cultural heritage and their spiritual culture” (Kimura et al. 2010).

Conclusions

This paper has focused on heritage as a human right and on the harms that occur when Indigenous and minority people's heritage is lost or used by others in inappropriate ways. Today there is increasing awareness of the needs of Indigenous and minority peoples worldwide, and of their limited ability to control their own affairs (see Nicholas 2021 for examples). Although the situation is gradually improving in some countries, there is still much work to be done everywhere. The United Nations Declaration on the Rights of Indigenous peoples is an important step forward. But what now needs to happen is move from “idea” to “action.”

There are three key areas where issues of Indigenous human rights urgently need to be addressed:

- 1) in government, at both national and local levels, since this is where heritage legislation and policy are developed and put into effect;
- 2) in universities and professional institutions, such as archaeological and anthropological societies in Japan, Europe, and North America. What is needed new research ethics policies to better accommodate Indigenous interests, and to address concerns regarding repatriation, aDNA/DNA research, and the ethics of using new technologies in the study of human remains; and
- 3) in businesses and the marketplace. We need to promote the benefits of corporate social responsibility and to develop new ways to stop cultural appropriation. To help with this

goal, the IPinCH project developed the *Think Before You Appropriate* Guide¹² to help product developers be more aware of the harms of cultural appropriation. At the request of the Nibutani Ainu community, the guide has now been translated into Japanese to help prevent the appropriation of their heritage.¹³

Unfortunately, not everyone's heritage is equally respected or protected. This continues to be a major insult to, and source of harm for Indigenous peoples. This needs to change – not just because of politics or historical circumstance, but because it is ethically and morally required. The challenges are substantial. What is at stake is not just the preservation of objects and places. It is the preservation of cultural diversity and the ability of a people to preserve and practice their customs and beliefs. A prominent challenge is that Indigenous peoples may have a very different conception of the world and of heritage than do members of the dominant society.

If we accept that heritage is a basic human right, then we must understand that “heritage” means different things to different people. And the only way to understand Indigenous heritage values is by meeting with and listening to Indigenous and minority peoples.

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12 <https://www.sfu.ca/ipinch/resources/teaching-resources/think-before-you-appropriate/>

13 <https://www.cais.hokudai.ac.jp/ipinch-tbya/>

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FIGURES

Figure 1. casi (partially excavated), Saru River Valley, Hokkaido (Photo: George Nicholas)



Figure 2. Grace islet, British Columbia (Photo: Kelly Bannister)

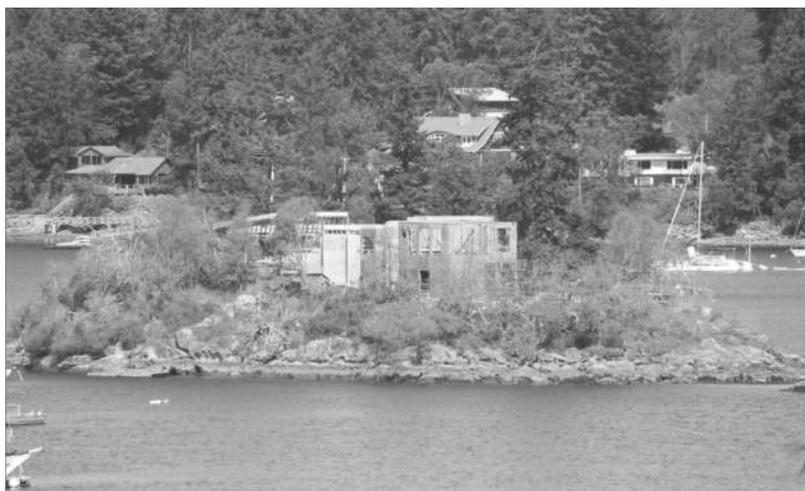


Figure 3. Archaeological Site K-39, Hokkaido University Campus (Photo: George. Nicholas)



Figure 4. Examples of Appropriation of Ainu Culture (Photo: George Nicholas)



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先住民族及び少数民族の遺産と人権

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要 旨

遺産はすべての社会にとって重要であるが、先住民族やその他の少数民族は、植民地主義やその他の歴史的破壊の結果、長い間遺産をほとんど管理することができなかった。さらに先住民族の遺産に対する概念は、一般に支配的な人々のそれとは大きく異なっており、この問題はさらに複雑化している。彼らのアイデンティティ、世界観、幸福にとって不可欠な遺産をより完全に保護し尊重するために我々は、以下の2点を認識しなければならない。1) 遺産は本質的に人権と見なされなければならないこと、2) 先住民族の遺産の場所を軽視したり失ったりすることは、人々に対する一種の暴力と見なされなければならないこと。また文化的流用が先住民族の生活に与える影響についても論じること。本論では、これらの課題に対処するためのいくつかの全体的な提言を行なっている。

キーワード：先住民族、人権、遺産、考古学、文化の盗用

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