

Indigenous Peoples As Subjects Of International L

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Divers Paths to Justice - Marcus Colchester 2011

Environmental Justice and the Rights of Indigenous Peoples - Laura Westra 2012-05-16

More than 300 million people in over 70 countries make up the worlds indigenous populations. Yet despite ever-growing pressures on their lands, environment and way of life through outside factors such as climate change and globalization, their rights in these and other respects are still not fully recognized in international law. In this incisive book, Laura Westra deftly reveals the lethal effects that damage to ecological integrity can have on communities. Using examples in national and international case law, she demonstrates how their lack of sufficient legal rights leaves indigenous peoples defenceless, time and again, in the face of governments and businesses who have little effective incentive to consult with them (let alone gain their consent) in going ahead with relocations, mining plans and more. The historical background and current legal

instruments are discussed and, through examples from the Americas, Africa, Oceania and the special case of the Arctic, a picture emerges of how things must change if indigenous communities are to survive. It is a warning to us all from the example of those who live most closely in tune with nature and are the first to feel the impact when environmental damage goes unchecked.

Non-Governmental Actors in International Climate Change Law - Marzia Scopelliti 2021-07-28
Focusing on how to improve the participation of non-governmental actors in the making of international climate change laws, this book is a conversation on the relevance of a human rights-based approach to international climate change law-making. The book considers a possible reform of the United Nations Framework Convention on Climate Change institutional arrangement, inspired by the practice and model of participation of Arctic Indigenous Peoples in the Arctic Council. Different non-State entities play a fundamental role in the development and enforcement of the climate change regime by enhancing the knowledge

base of decision-making, keeping States in line with their commitments, and engaging in private initiatives aimed at mitigating the impacts of global warming. Albeit non-governmental and subnational actors increasingly work alongside States in the making of a climate change regime, the category of observers through which they participate in intergovernmental negotiations only gives them limited rights and their participation in international norm-making has at times been impaired. The relevance of a human rights-based approach consists in recognising the status of individuals and groups as rights-holders under human rights law, a paradigm that was first established by Arctic Indigenous Peoples when claiming their participatory rights in the Arctic Council, the main forum of governance of the Arctic region. This book argues that, in the absence of a globally binding treaty regulating procedural rights in intergovernmental negotiations, the emerging relationship between human rights and climate change could serve as a legal basis for the enhancement of non-governmental actors' procedural rights, establishing the right to participation as a right in itself and which can benefit the governance of climate change. Due to the relevance of the addressed subject, the book is destined to a broad readership and will be of use to academic researchers, law practitioners, policy-makers and non-governmental organisations' representatives.

International Law and Indigenous Peoples - Joshua Castellino
2005-03-01

This volume highlights those instances in the work of international organizations where advances have been made concerning indigenous rights. It also devotes

attention to the Permanent Forum on Indigenous Issues, to the Committee on the Elimination of Racial Discrimination, and to a number of thematic issues in the field. The human rights situations facing indigenous peoples in Australia, Bangladesh, Canada, India, Kenya, Mexico, Nicaragua, Nigeria and South Africa are dealt with in separate chapters.

Braiding Legal Orders - John Borrows
2019-06-06

Implementation in Canada of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a pivotal opportunity to explore the relationship between international law, Indigenous peoples' own laws, and Canada's constitutional narratives. Two significant statements by the current Liberal government - the May 2016 address by Indigenous Affairs Minister Carolyn Bennett to the Permanent Forum on Indigenous Issues at the United Nations and the September 2017 address to the United Nations by Prime Minister Justin Trudeau - have endorsed UNDRIP and committed Canada to implementing it as "a way forward" on the path to genuine nation-to-nation relationships with Indigenous peoples. In response, these essays engage with the legal, historical, political, and practical aspects of UNDRIP implementation. Written by Indigenous legal scholars and policy leaders, and guided by the metaphor of braiding international, domestic, and Indigenous laws into a strong, unified whole composed of distinct parts, the book makes visible the possibilities for reconciliation from different angles and under different lenses.

International Law and Indigenous Knowledge - Chidi Oguamanam
2006-01-01

Discusses the suitability of

mainstream forms of intellectual property rights to indigenous knowledge and efforts to reconcile the Western concept of intellectual property with indigenous knowledge.

Indigenous Peoples as Subjects of International Law - Irene Watson

2017-07-14

For more than 500 years, Indigenous laws have been disregarded. Many appeals for their recognition under international law have been made, but have thus far failed – mainly because international law was itself shaped by colonialism. How, this volume asks, might international law be reconstructed, so that it is liberated from its colonial origins? With contributions from critical legal theory, international law, politics, philosophy and Indigenous history, this volume pursues a cross-disciplinary analysis of the international legal exclusion of Indigenous Peoples, and of its relationship to global injustice. Beyond the issue of Indigenous Peoples' rights, however, this analysis is set within the broader context of sustainability; arguing that Indigenous laws, philosophy and knowledge are not only legally valid, but offer an essential approach to questions of ecological justice and the co-existence of all life on earth.

Aboriginal Peoples, Colonialism and International Law - Irene Watson

2014-10-17

This work is the first to assess the legality and impact of colonisation from the viewpoint of Aboriginal law, rather than from that of the dominant Western legal tradition. It begins by outlining the Aboriginal legal system as it is embedded in Aboriginal people's complex relationship with their ancestral lands. This is Raw Law: a natural system of obligations and benefits, flowing from an Aboriginal ontology. This book places

Raw Law at the centre of an analysis of colonisation – thereby decentring the usual analytical tendency to privilege the dominant structures and concepts of Western law. From the perspective of Aboriginal law, colonisation was a violation of the code of political and social conduct embodied in Raw Law. Its effects were damaging. It forced Aboriginal peoples to violate their own principles of natural responsibility to self, community, country and future existence. But this book is not simply a work of mourning. Most profoundly, it is a celebration of the resilience of Aboriginal ways, and a call for these to be recognised as central in discussions of colonial and postcolonial legality. Written by an experienced legal practitioner, scholar and political activist, *Aboriginal Peoples, Colonialism and International Law: Raw Law* will be of interest to students and researchers of Indigenous Peoples Rights, International Law and Critical Legal Theory.

Indigenous Peoples' Land Rights under International Law - Jérémie Gilbert

2016-07-08

This book addresses the right of indigenous peoples to live, own and use their traditional territories, and analyses how international law addresses this. Through its meticulous examination of the interaction between international law and indigenous peoples' land rights, the work explores several burning issues such as collective rights, self-determination, property rights, cultural rights and restitution of land. It delves into the notion of past violations and the role of international law in providing for remedies, reparation and restitution. It also argues that there is a new phase in the relationship between States, indigenous peoples and private actors, such as corporations,

in the making of territorial agreements.

Towards International Personality -

Anna Meijknecht 2001

2.3. Dualism and Monism

International Law in a Transcivilizational World - Onuma Yasuaki 2017-02-15

This book adopts a 'trans-civilizational' perspective on the history and development of current West-centric international law.

The Inherent Rights of Indigenous Peoples in International Law -

Antonietta Di Blase 2020-02-24

This book highlights the cogency and urgency of the protection of indigenous peoples and discusses crucial aspects of the international legal theory and practice relating to their rights. These rights are not established by states; rather, they are inherent to indigenous peoples because of their human dignity, historical continuity, cultural distinctiveness, and connection to the lands where they have lived from time immemorial. In the past decades, a new awareness of the importance of indigenous rights has emerged at the international level. UN organs have adopted specific international law instruments that protect indigenous peoples. Nonetheless, concerns persist because of continued widespread breaches of such rights. Stemming from a number of seminars organised at the Law Department of the University of Roma Tre, the volume includes contributions by distinguished scholars and practitioners. It is divided into three parts. Part I introduces the main themes and challenges to be addressed, considering the debate on self-determination of indigenous peoples and the theoretical origins of 'indigenous sovereignty'. Parts II and III explore the protection of indigenous peoples afforded under the international law rules on human

rights and investments respectively. Not only do the contributors to this book critically assess the current international legal framework, but they also suggest ways and methods to utilize such legal instruments towards the protection, promotion and fulfilment of indigenous peoples' rights, to contribute to the maintenance of peace and the pursuit of justice in international relations.

The UN Declaration on the Rights of Indigenous Peoples - Jessie Hohmann 2018

The Declaration on the Rights of Indigenous Peoples set key standards for the treatment of indigenous people, and has significantly developed how indigenous rights are viewed and enforced. This commentary thematically assesses all aspects of the Declaration's provisions, providing an overview of its impact.-

Adat and Indigeneity in Indonesia - Hauser-Schäublin, Brigitta 2013-11-11

A number of UN conventions and declarations (on the Rights of Indigenous Peoples, the Protection and Promotion of the Diversity of Cultural Expressions and the World Heritage Conventions) can be understood as instruments of international governance to promote democracy and social justice worldwide. In Indonesia (as in many other countries), these international agreements have encouraged the self-assertion of communities that had been oppressed and deprived of their land, especially during the New Order regime (1966-1998). More than 2,000 communities in Indonesia who define themselves as masyarakat adat or "indigenous peoples" had already joined the Indigenous Peoples' Alliance of the Archipelago" (AMAN) by 2013. In their efforts to gain recognition and selfdetermination, these communities are supported by

international donors and international as well as national NGOs by means of development programmes. In the definition of masyarakat adat, "culture" or adat plays an important role in the communities' self-definition. Based on particular characteristics of their adat, the asset of their culture, they try to distinguish themselves from others in order to substantiate their claims for the restitution of their traditional rights and property (namely land and other natural resources) from the state. The authors of this volume investigate how differently structured communities - socially, politically and religiously - and associations reposition themselves vis-à-vis others, especially the state, not only by drawing on adat for achieving particular goals, but also dignity and a better future.

Indigenous People and Economic Development - Katia Iankova

2016-03-22

Indigenous peoples are an intrinsic part of countries like Australia, New Zealand, Canada, Finland, USA, India, Russia and almost all parts of South America and Africa. A considerable amount of research has been done during the twentieth century mainly by anthropologists, sociologists and linguists in order to describe, and document their traditional life style for the protection and safeguarding of their established knowledge, skills, languages and beliefs. These communities are engaging and adapting rapidly to the changing circumstances partly caused by post modernisation and the process of globalization. These have led them to aspire to better living standards, as well as preserving their uniqueness, approaches to environment, close proximity to social structures and communities. For at least the last two decades, patterns of increased

economic activity by indigenous peoples in many countries have been viewed to be significantly on the rise. Indigenous People and Economic Development reveals some of the characteristics of this economic activity, 'coloured' by the unique regard and philosophy of life that indigenous people around the world have. The successes, difficulties and obstacles to economic development, their solutions and innovative practices in business - all of these elements, based on research findings, are discussed in this book and offer an inside view of the dynamics of the indigenous societies which are evolving in a globalised and highly interconnected contemporary world. *Changing Actors in International Law* - Karen N. Scott 2020-11-04

Changing Actors in International Law explores actors other than the 'state' in international law focusing on under-researched actors (quasi-states, trans-government networks, Indigenous Peoples, self-determination claimant groups) as well the less well studied aspects of otherwise well-researched actors (individuals, corporations, NGOs, armed organised groups).

Indigenous Peoples and Human Rights - Ben Saul 2016-06-30

Indigenous Peoples and Human Rights explores how general human rights standards have enabled, empowered and constrained indigenous peoples in claiming and defending their essential economic, social, cultural, civil and political interests. The book examines the jurisprudence of United Nations treaty committees and regional human rights bodies (in Africa, the Americas and Europe) that have interpreted and applied human rights standards to the special circumstances and experiences of indigenous peoples. It focuses particularly on how human rights laws since the 1960s have been drawn upon

by indigenous activists and victims to protect their interests in ancestral lands, natural resources, culture and language. It further explores the right to indigenous self-determination; civil and political rights; economic, social and cultural rights (including labour rights); family and children's rights; violence and discrimination against indigenous peoples; and access to justice and remedies for violations. The book also discusses international and regional efforts to define who is 'indigenous' and who is a 'minority', and the legal relationship between indigenous individuals and their communities. The jurisprudence considered in this book significantly shaped the UN Declaration on the Rights of Indigenous Peoples 2007, which particularises and adapts general human rights standards for indigenous peoples. The book concludes by exploring future normative and implementation challenges in the light of the standard setting and consolidation, and political momentum, surrounding the UN Declaration and associated UN human rights mechanisms.

Indigenous Peoples, Customary Law and Human Rights – Why Living Law Matters - Brendan Tobin 2014-08-27

This highly original work demonstrates the fundamental role of customary law for the realization of Indigenous peoples' human rights and for sound national and international legal governance. The book reviews the legal status of customary law and its relationship with positive and natural law from the time of Plato up to the present. It examines its growing recognition in constitutional and international law and its dependence on and at times strained relationship with human rights law. The author analyzes the role of customary law in tribal, national and

international governance of Indigenous peoples' lands, resources and cultural heritage. He explores the challenges and opportunities for its recognition by courts and alternative dispute resolution mechanisms, including issues of proof of law and conflicts between customary practices and human rights. He throws light on the richness inherent in legal diversity and key principles of customary law and their influence in legal practice and on emerging notions of intercultural equity and justice. He concludes that Indigenous peoples' rights to their customary legal regimes and states' obligations to respect and recognize customary law, in order to secure their human rights, are principles of international customary law, and as such binding on all states. At a time when the self-determination, land, resources and cultural heritage of Indigenous peoples are increasingly under threat, this accessible book presents the key issues for both legal and non-legal scholars, practitioners, students of human rights and environmental justice, and Indigenous peoples themselves.

International Human Rights and Indigenous Peoples - S. James Anaya 2009-09-30

This exciting book is the only one of its kind. *International Human Rights and Indigenous Peoples* (Aspen Elective Series) will be the first published compilation of materials and commentary intended for use in courses focusing on the subject of indigenous peoples within the international human rights system. S. James Anaya, co-author of the well-known casebook, *International Human Rights: Problems of Law, Policy and Practice*, uses carefully edited material from varied sources to illustrate the major issues facing indigenous peoples today. This unique addition to the Elective Series

features: complete or edited versions of all the major contemporary international documents concerning indigenous peoples--declarations, treaties, decisions, and interpretive statements by international human rights and other institutions on the topic--placed in the context of relevant historical antecedents. materials highlighting the major issues concerning indigenous peoples, including issues of self-determination, culture, lands and resources, collective rights, state responsibility for historical wrongs, and the meaning of the "indigenous" rubric. The issues are then linked to actual cases concerning or situations faced by indigenous groups. edited materials from a range of authors along with insightful commentary providing in-depth discussion of the issues and developments discussion of the international and domestic mechanisms by which human rights norms concerning indigenous peoples are implemented. This provides students with an understanding of the practical implications of the norms and their potential strategic value. background material on the authority and workings of the various international institutions that are addressing indigenous issues, enabling students to understand the legal or political significance of the relevant developments and place those developments within the broader context of the international human rights system An invaluable resource for any course dealing with international human rights, International Human Rights and Indigenous Peoples (Aspen Elective Series) has just the right mix of institutional and case material, historical background and recent developments, and perceptive commentary.

Research Handbook on the International Law of Indigenous

Rights - Newman, Dwight 2022-04-19
This ground-breaking Research Handbook provides a state-of-the-art discussion of the international law of Indigenous rights and how it has developed in recent decades. Drawing from their extensive knowledge of the topic, leading scholars provide strong general coverage and highlight the challenges and cutting-edge issues arising in international Indigenous rights law.

Indigenous Peoples, Consent and Rights - Stephen Young 2019-11-19
Analysing how Indigenous Peoples come to be identifiable as bearers of human rights, this book considers how individuals and communities claim the right of free, prior and informed consent (FPIC) as Indigenous peoples. The basic notion of FPIC is that states should seek Indigenous peoples' consent before taking actions that will have an impact on them, their territories or their livelihoods. FPIC is an important development for Indigenous peoples, their advocates and supporters because one might assume that, where states recognize it, Indigenous peoples will have the ability to control how non-Indigenous laws and actions will affect them. But who exactly are the Indigenous peoples that are the subjects of this discourse? This book argues that the subject status of Indigenous peoples emerged out of international law in the late 1970s and early 1980s. Then, through a series of case studies, it considers how self-identifying Indigenous peoples, scholars, UN institutions and non-government organizations (NGOs) dispersed that subject-status and associated rights discourse through international and national legal contexts. It shows that those who claim international human rights as Indigenous peoples performatively become identifiable subjects of international law – but

further demonstrates that this does not, however, provide them with control over, or emancipation from, a state-based legal system. Maintaining that the discourse on Indigenous peoples and international law itself needs to be theoretically and critically re-appraised, this book problematizes the subject-status of those who claim Indigenous peoples' rights and the role of scholars, institutions, NGOs and others in producing that subject-status. Squarely addressing the limitations of international human rights law, it nevertheless goes on to provide a conceptual framework for rethinking the promise and power of Indigenous peoples' rights. Original and sophisticated, the book will appeal to scholars, activists and lawyers involved with indigenous rights, as well as those with more general interests in the operation of international law.

Seeking Justice in International Law

- Mauro Barelli 2016-04-14

Today human rights represent a primary concern of the international legal system. The international community's commitment to the protection and promotion of human rights, however, does not always produce the results hoped for by the advocates of a more justice-oriented system of international law. Indeed international law is often criticised for, inter alia, its enduring imperial character, incapacity to minimize inequalities and failure to take human suffering seriously. Against this background, the central question that this book aims to answer is whether the adoption of the 2007 United Nations Declaration on the Rights of Indigenous Peoples points to the existence of an international law that promises to provide valid responses to the demands for justice of disempowered and vulnerable groups. At one level,

the book assesses whether international law has responded fairly and adequately to the human rights claims of indigenous peoples. At another level, it explores the relationship between this response and some distinctive features of the indigenous peoples' struggle for justice, reflecting on the extent to which the latter have influenced and shaped the former. The book draws important conclusions as to the reasons behind international law's positive recognition of indigenous peoples' rights, shedding some light on the potential and limits of international law as an instrument of justice. The book will be of great interest to students and scholars of public international law, human rights and social movements.

Indigenous Peoples and International Trade

- John Borrows 2020-06-18

An exploration of economic rights afforded Indigenous peoples in international law and their diffusion to international trade and investment instruments.

Indigenous Land Rights in the Inter-American System

- Mariana Monteiro de Matos 2020-10-12

Rights to their traditional lands and resources are essential to the survival of indigenous peoples. This book analyzes the substance and procedure of the most advanced system of safeguarding these rights, developed in the Inter-American system of human rights protection.

Indigenous Peoples and the Law

- Benjamin J Richardson 2009-03-18

Indigenous Peoples and the Law provides an historical, comparative and contextual analysis of various legal and policy issues affecting Indigenous peoples. It focuses on the common law jurisdictions of Australia, Canada, New Zealand and the United States, as well as relevant international law developments. Edited by Benjamin J

Richardson, Shin Imai, and Kent McNeil, this collection of new essays features 13 contributors including many Indigenous scholars, drawn from around the world. The book provides a pithy overview of the subject-matter, enabling readers to appreciate the seminal issues, precedents and international legal trends of most concern to Indigenous peoples. The first half of *Indigenous Peoples and the Law* takes an historical perspective of the principal jurisdictions, canvassing, in particular, themes of Indigenous sovereignty, status and identity, and the movement for Indigenous self-determination. It also examines these issues in an international context, including the Inter-American human rights regime and the 2007 UN Declaration on the Rights of Indigenous Peoples. The second part of the book canvasses some contemporary issues and claims of Indigenous peoples, including land rights, mobility rights, community self-governance, environmental governance, alternative dispute resolution processes, the legal status of Aboriginal women and the place of Indigenous legal traditions and legal theory. Although an introductory volume designed primarily for readers without advanced understanding of Indigenous legal issues, *Indigenous Peoples and the Law* should also appeal to seasoned scholars, policy-makers, lawyers and others who are knowledgeable of such issues in their own jurisdiction and wish to learn more about developments in other places.

Indigenous Peoples' Status in the International Legal System - Mattias Åhrén 2016-03-10

While many have explored the law surrounding the rights of indigenous peoples through an examination of all relevant instruments and

institutions, this book is based on the premise that one can obtain an in depth knowledge of the indigenous rights regime by simply knowing the answer to two questions: What is meant by 'peoples' and 'equality' under international law? From *Terra Nullius to International Legal Subjects and Possessors of Land - Indigenous Peoples' Status in the International Legal System* offers a new and profound insight into the international indigenous rights discourse. This volume articulates that the understanding of 'peoples' is paramount to the question of whether indigenous peoples are beneficiaries of the right to self-determination, and, if so, what should be the content and scope of this right. The book additionally explores the contemporary meaning of 'equality', arguing that the understanding of equality fundamentally impacts what rights indigenous peoples possess over territories and natural resources. This book outlines the rights of greatest relevance to indigenous peoples, communities, and individuals, and explains the justification for indigenous rights. *Climate Change and Indigenous Peoples* - Randall Abate 2013-01-01
'*Climate Change and Indigenous Peoples* offers the most comprehensive resource for advancing our understanding of one of the least coherently developed of climate change policy realms – legal protection of vulnerable indigenous populations. The first part of the book provides a tremendously useful background on the cultural, policy, and legal context of indigenous peoples, with special emphasis on developing general principles for climate change mitigation and adaptation solutions. The remainder of the volume then carefully and thoroughly works through how those

general principles play out for different regional indigenous populations around the globe. All of the contributions to the volume are by leading experts who bring their insights and innovative thinking to bear on a truly complex subject. Whether as a novice's starting point or expert's desktop reference, I cannot think of a more useful resource for anyone interested in climate policy for indigenous peoples.' – J.B. Ruhl, Vanderbilt University Law School, US 'In Climate Change and Indigenous Peoples, editors Randy Abate and Elizabeth Kronk have assembled a truly comprehensive and informative look at the special issues that indigenous peoples face as a result of climate impacts and an overview of the law – international and domestic, climate change and human rights, substantive and procedural – that applies to those issues. One of the great strengths of the book is that no group of indigenous people is made to stand proxy for all the others; instead, after exploring the general issues facing all indigenous peoples and the general legal strategies they use, the book focuses most of its attention on the specific climate change issues that confront particular groups – South American indigenous peoples; the various tribes of Native Americans in the US; the indigenous peoples of the Arctic, collectively as well as in respect to particular Arctic countries; Pacific Islanders; indigenous peoples in Asia; the various groups of Aborigines and Torres Islanders in Australia; the Maori on New Zealand; and several tribes in Kenya, Africa. For people interested in climate change and climate change adaptation, this book provides a unique overview of the special vulnerabilities and plights of indigenous peoples, issues that must be considered as the world

works to formulate effective and protective climate change adaptation policies. For people interested in indigenous peoples and international human rights, this book paints a grim picture of the various ways in which climate change threatens this very diverse group of cultural entities and the deep knowledge of place that they usually possess, while at the same time offering hope that the law can find ways to keep them from disappearing – and, indeed, that indigenous peoples might just help the rest of us to survive, as well.' – Robin Kundis Craig, University of Utah S.J. Quinney College of Law, US 'It is one of the world's cruelest ironies that some of the earliest effects of climate change are being felt by indigenous populations around the world, even though they contributed no more than trivial amounts of the greenhouse gases that are at the root of much of the problem, and they are so politically and economically powerless that they played no role in the decisions that have led to their plight. At the same time, many of these populations are victimized by certain actions designed to reduce emissions, such as land clearing for biofuels cultivation, and restrictions on forest use. Professors Abate and Kronk have assembled a formidable collection of experts from around the world who demonstrate the diversity of challenges facing these indigenous peoples, and the opportunities and challenges in using various international and domestic legal tools to seek redress. This book will be an invaluable resource for all those examining the legal remedies that may be available, either now or as the law develops in the years to come.' – Michael B. Gerrard, Columbia Law School, US This timely volume explores the ways in which indigenous peoples across the world are

challenged by climate change impacts, and discusses the legal resources available to confront those challenges. Indigenous peoples occupy a unique niche within the climate justice movement, as many indigenous communities live subsistence lifestyles that are severely disrupted by the effects of climate change. Additionally, in many parts of the world, domestic law is applied differently to indigenous peoples than it is to their non-indigenous peers, further complicating the quest for legal remedies. The contributors to this book bring a range of expert legal perspectives to this complex discussion, offering both a comprehensive explanation of climate change-related problems faced by indigenous communities and a breakdown of various real world attempts to devise workable legal solutions. Regions covered include North and South America (Brazil, Canada, the US and the Arctic), the Pacific Islands (Fiji, Tuvalu and the Federated States of Micronesia), Australia and New Zealand, Asia (China and Nepal) and Africa (Kenya). This comprehensive volume will appeal to professors and students of environmental law, indigenous law and international law, as well as practitioners and policymakers with an interest in indigenous legal issues and environmental justice.

Indigenous Peoples in International Law - James Anaya (jurist) 2004

In this thoroughly revised and updated edition of the first book-length treatment of the subject, S. James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples. Anaya demonstrates that, while historical trends in international law largely facilitated colonization of indigenous peoples and their lands, modern international law's human

rights program has been modestly responsive to indigenous peoples' aspirations to survive as distinct communities in control of their own destinies. This book provides a theoretically grounded and practically oriented synthesis of the historical, contemporary and emerging international law related to indigenous peoples. It will be of great interest to scholars and lawyers in international law and human rights, as well as to those interested in the dynamics of indigenous and ethnic identity.

International Law and Indigenous Peoples - S. James Anaya 2017

"This title was first published in 2003. One of the most dynamic areas of international law today concerns the rights and status of indigenous peoples. Within the contemporary discourse of international law, the term indigenous is now commonly used in association with a particular class of culturally distinctive groups together with the problems they face; problems that are legacies of historical patterns of invasion and colonization. The essays in this volume have been assembled to promote understanding about the relation of international law to the claims and aspirations that indigenous peoples have posited in the international arena today."--Provided by publisher.

Reparations for Indigenous Peoples - Federico Lenzerini 2008-01-24

Published in concomitance with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, this volume brings together a group of renowned legal experts and activists from different parts of the world who, from international and comparative perspectives, investigate the right of indigenous peoples to reparation for breaches of their individual and collective rights. The first part of the book is devoted to general

aspects of this important matter, providing a comprehensive assessment of the relevant international legal framework and including overviews of the topic of reparations for human rights violations, the status of indigenous peoples in international law, and the vision of reparations as conceived by the communities concerned. The second part embraces a comprehensive investigation of the relevant practice at the international, regional, and national level, examining the best practices of reparations according to the ideologies and expectations of indigenous peoples and offering a comparative perspective on the ways in which the right of these peoples to redress for the injuries suffered is realized worldwide. The global picture painted by these contributions provides a view of the status of relevant international law that is synthesized in the two final chapters of the book, which include a concrete example of how a judicial claim for reparation is to be structured and prescribes the best practices and strategies to be adopted in order to maximize the opportunities for indigenous peoples to obtain effective redress. As a whole, this volume offers a comprehensive vision of its subject matter in international and comparative law, with a practical approach aimed at supporting legal academics, administrators, and practitioners in improving the avenues and modalities of reparations for indigenous peoples.

Indigenous Peoples and the State - Mark Hickford 2018-07-04

Across the globe, there are numerous examples of treaties, compacts, or other negotiated agreements that mediate relationships between Indigenous peoples and states or settler communities. Perhaps the best known of these, New Zealand's Treaty

of Waitangi is a living, and historically rich, illustration of this types of negotiated agreement, and both the symmetries and asymmetries of Indigenous-State relations. This collection refreshes the scholarly and public discourse relating to the Treaty of Waitangi and makes a significant contribution to the international discussion of Indigenous-State relations and reconciliation. The essays in this collection explore the diversity of meanings that have been ascribed to Indigenous-State compacts, such as the Treaty, by different interpretive communities. As such, they enable and illuminate a more dynamic conversation about their meanings and applications, as well as their critical role in processes of reconciliation and transitional justice today.

Traditional, National, and International Law and Indigenous Communities - Marianne O. Nielsen 2020-05-05

This volume of the Indigenous Justice series explores the global effects of marginalizing Indigenous law. The essays in this book argue that European-based law has been used to force Indigenous peoples to assimilate, has politically disenfranchised Indigenous communities, and has destroyed traditional Indigenous social institutions. European-based law not only has been used as a tool to infringe upon Indigenous human rights, it also has been used throughout global history to justify environmental injustices, treaty breaking, and massacres. The research in this volume focuses on the resurgence of traditional law, tribal-state relations in the United States, laws that have impacted Native American women, laws that have failed to protect Indigenous sacred sites, the effect of international

conventions on domestic laws, and the role of community justice organizations in operationalizing international law. While all of these issues are rooted in colonization, Indigenous peoples are using their own solutions to demonstrate the resilience, persistence, and innovation of their communities. With chapters focusing on the use and misuse of law as it pertains to Indigenous peoples in North America, Latin America, Canada, Australia, and New Zealand, this book offers a wide scope of global injustice. Despite proof of oppressive legal practices concerning Indigenous peoples worldwide, this book also provides hope for amelioration of colonial consequences.

The Law of Nations; Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns - Emer de Vattel 1863

Handbook of Indigenous Peoples' Rights - Damien Short 2016-02-05
This handbook will be a comprehensive interdisciplinary overview of indigenous peoples' rights. Chapters by experts in the field will examine legal, philosophical, sociological and political issues, addressing a wide range of themes at the heart of debates on the rights of indigenous peoples. The book will address not only the major questions, such as 'who are indigenous peoples? What is distinctive about their rights? How are their rights constructed and protected? What is the relationship between national indigenous rights regimes and international norms? but also themes such as culture, identity, genocide, globalization and development, rights institutionalization and the environment.

At the Margins of Globalization - Sergio Puig 2021-05-13
This book explores how Indigenous

Peoples are impacted by globalization and the cult of the individual that often accompanies the phenomenon.

Indigenous Peoples' Land Rights under International Law - Jérémie Gilbert 2007-03-23

This book analyses whether the international legal regime provides indigenous peoples with the collective right to live on their traditional territories.

The Foundations of Modern International Law on Indigenous and Tribal Peoples - Lee Swepston 2015-06-12

The International Labour Organization is responsible for the only two international Conventions ever adopted for the protection of the rights and cultures of indigenous and tribal peoples. The Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) that revised and replaced Convention No. 107, are the only international Conventions ever adopted on the subject, and Convention No. 169 is the only one that can now be ratified. This volume, and its companion to be published at a later date, make clear that the basic concepts and the very vocabulary of international human rights on indigenous and tribal peoples derives from these two Conventions. The adoption in 2007 of the UN Declaration on the Rights Of Indigenous Peoples (UNDRIP), and the ongoing discussions in the international human rights community about the relative merits, impact and legal validity of the UN and ILO instruments, make it all the more important to understand how Convention 169 was adopted. The author of this unique study was responsible for many years for the supervision of both Conventions in the ILO's supervisory machinery, and was intimately involved in the

adoption of the 1989 instrument, as well as in international discussions on the subject of indigenous and tribal peoples.

Transforming Law and Institution - Rhiannon Morgan 2016-02-24

In the past thirty or so years, discussions of the status and rights of indigenous peoples have come to the forefront of the United Nations human rights agenda. During this period, indigenous peoples have emerged as legitimate subjects of international law with rights to exist as distinct peoples. At the same time, we have witnessed the establishment of a number of UN fora and mechanisms on indigenous issues, including the UN Permanent Forum on Indigenous Issues, all pointing to the importance that the UN has come to place on the promotion and protection of indigenous peoples' rights. Morgan describes, analyses, and evaluates the efforts of the global indigenous movement to engender changes in UN discourse and international law on indigenous peoples' rights and to bring about certain institutional developments reflective of a heightened international concern. By the same token, focusing on the interaction of the global indigenous movement with the UN system, this book examines the reverse influence, that is, the ways in which interacting with the UN system has influenced the claims, tactical repertoires, and organizational structures of the movement.

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Indigenous Peoples in International Law - S. James Anaya 2004

In this thoroughly revised and updated edition of the first book-length treatment of the subject, S. James Anaya incorporates references to all the latest treaties and recent developments in the international law of indigenous peoples. Anaya demonstrates that, while historical trends in international law largely facilitated colonization of indigenous peoples and their lands, modern international law's human rights program has been modestly responsive to indigenous peoples' aspirations to survive as distinct communities in control of their own destinies. This book provides a theoretically grounded and practically oriented synthesis of the historical, contemporary and emerging international law related to indigenous peoples. It will be of

great interest to scholars and lawyers in international law and

human rights, as well as to those interested in the dynamics of indigenous and ethnic identity.