

Indigenous Peoples Rights And Cultural Identity In The

This book takes an interdisciplinary approach to the complicated power relations surrounding the recognition and implementation of Indigenous Peoples' rights at multiple scales. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 was heralded as the beginning of a new era for Indigenous Peoples' participation in global governance bodies, as well as for the realization of their rights - in particular, the right to self-determination. These rights are defined and agreed upon internationally, but must be enacted at regional, national, and local scales. Can the global movement to promote Indigenous Peoples' rights change the experience of communities at the local level? Or are the concepts that it mobilizes, around rights and political tools, essentially a discourse circulating internationally, relatively disconnected from practical situations? Are the categories and processes associated with Indigenous Peoples simply an extension of colonial categories and processes, or do they challenge existing norms and structures? This collection draws together the works of anthropologists, political scientists, and legal scholars to address such questions. Examining the legal, historical, political, economic, and cultural dimensions of the Indigenous Peoples' rights movement, at global, regional, national, and local levels, the chapters present a series of case studies that reveal the complex power relations that inform the ongoing struggles of Indigenous Peoples to secure their human rights. The book will be of interest to social scientists and legal scholars studying Indigenous Peoples' rights, and international human rights movements in general. This last volume in a trilogy published on the occasion of the 80th birthday of Rodolfo Stavenhagen, professor emeritus of El Colegio de Mexico, includes eight essays on Peasants, Culture and Indigenous Peoples: Critical Issues; Basic Needs, Peasants and the Strategy for Rural Development (1976); Cultural Rights: a Social Science Perspective (1998); The Structure of Injustice: Poverty, Marginality, Exclusion and Human Rights (2000); What Kind of Yarn? From Color Line to Multicolored Hammock: Reflections on Racism and Public Policy (2001); The United Nations Special Rapporteur on the Rights of Indigenous Peoples (2012); A Report on the Human Rights Situation of Indigenous Peoples in Asia (2007); Report on the Impact of Megaprojects on the Rights of Indigenous Peoples (2003); and Study Regarding the Best Practices to Implement the Recommendations of the Special Rapporteur (2007). These texts address human rights issues, especially those that arose when Stavenhagen was serving as United Nations special rapporteur on the rights of indigenous peoples. Indigenous rights to heritage have only recently become the subject of academic scholarship. This collection aims to fill that gap by offering the fruits of a unique conference on this topic organised by the University of Lapland with the help of the Office of the High Commissioner for Human Rights. The conference made clear that

important information on Indigenous cultural heritage has remained unexplored or has not been adequately linked with specific actors (such as WIPO) or specific issues (such as free, prior and informed consent). Indigenous leaders explained the impact that disrespect of their cultural heritage has had on their identity, well-being and development. Experts in social sciences explained the intricacies of indigenous cultural heritage. Human rights scholars talked about the inability of current international law to fully address the injustices towards indigenous communities. Representatives of International organisations discussed new positive developments. This wealth of experiences, materials, ideas and knowledge is contained in this important volume.

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.

A Guide for Minorities and Indigenous Peoples

A Handbook on the UN System

Declarative International Policy and Contemporary Customary

Representational Aestheticism

Indigenous Peoples' Cultural Property Claims

A Contemporary Evaluation

The Transformative Role of Free Prior and Informed Consent

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.

The relationship between religion and human rights is both complex and inextricable. While most of the world's religions have supported violence, repression, and prejudice, each has also played a crucial role in the modern struggle for universal human rights. Most importantly, religions provide the essential sources and scales of dignity and responsibility, shame and respect, restraint and regret, restitution and reconciliation that a human rights regime needs to survive and flourish in any culture. This volume provides authoritative examinations of the contributions to human rights of Judaism, Christianity, Islam, Hinduism, Confucianism, Buddhism, and indigenous religions. Each chapter grapples with the concept and origins of "human rights," and offers insight into the major human rights issues that confront religious individuals and communities. These include core issues of freedom of religious conscience, choice, exercise, expression, association, morality, and self-determination. They also include analysis of the roles of religious ideas and institutions in the cultivation and abridgement of rights of women, children, and minorities, and rights to peace, orderly development, and protection of nature and the environment. With contributions by a score of leading experts, *Religion and Human Rights* provides authoritative and accessible assessments of the contributions of Judaism, Christianity, Islam, Hinduism, Confucianism, Buddhism, and Indigenous religions to the development of the ideas and institutions of human rights. It also probes the major human rights issues that confront religious individuals and communities around the world today, and the main challenges that the world's religions will pose to the human rights regime in the future.

Based in part on papers presented at the Sovereignty Symposium held in

Oklahoma.

Drawing from a comprehensive review of legal instruments, practice, jurisprudence and literature, and using a multidisciplinary approach, this unique book brings forth the full spectrum of cultural rights, as individual and collective human rights, and offers a compelling vision for public policy.

State of the World's Indigenous Peoples

Ethno-Cultural Diversity and Human Rights

Rights, Debates, Challenges

How the Inter-American Court of Human Rights Addresses Cultural Rights in Its Award of Reparation for Violations of Indigenous Rights

Rights, Debates and Challenges

Article 27 of the Universal Declaration of Human Rights and Beyond Cultural Human Rights

The idea of multi-culturalism has had a significant impact across many areas of law. This book explores how it has shaped the recent development of international human rights law. Custodians of human rights, especially international monitoring bodies, try to advance the effectiveness of human rights standards by interpreting these standards according to a method strongly inspired by the idea of cultural 'relativism'. By using elements of cultural identity and cultural diversity as parameters for the interpretation, adjudication, and enforcement of such standards, human rights are evolving from the traditional 'universal' idea, to a 'multi-cultural' one, whereby rights are interpreted in a dynamic manner, which respond to the particular needs of the communities and individuals directly concerned. This book shows how this is epitomized by the rise of collective rights - which is intertwined with the evolution of the rights of minorities and indigenous peoples - in contrast with the traditional vision of human rights as inherently individual. It demonstrates how the process of 'culturalization' of human rights law can be shown through different methods: the most common being the recourse to the doctrine of the 'margin of appreciation' left to states in defining the content of human rights standards, extensively used by human rights bodies, such as the European Court of Human Rights. Secondly, different meanings can be attributed to the same human rights standards by adapting them to the cultural needs of the persons and - especially - communities specifically concerned. This method is particularly used by the Inter-American Court of Human Rights and the African Commission of Human and Peoples' Rights. The book concludes that the evolution of human rights law towards multi-cultural 'relativism' is not only maximizes the effectiveness of human rights standards, but is also necessary to improve the quality of communal life, and to promote the stability of inter-cultural relationships. However, to an extent, notions of 'universalism' remain necessary to defend the very idea of human dignity.

While indigenous peoples make up around 370 million of the world's population - some 5 per cent - they constitute around one-third of the world's 900 million extremely poor rural people. Every day, indigenous communities all over the world face issues of violence and brutality. Indigenous peoples are stewards of some of the most biologically diverse areas of the globe, and their biological and cultural wealth has allowed indigenous peoples to gather a wealth of traditional knowledge which is of immense value to all humankind. The publication discusses many of the issues addressed by the Declaration on the Rights of Indigenous Peoples and is a cooperative effort of independent experts working with the Secretariat of the Permanent Forum on Indigenous Issues. It covers poverty and well-being, culture, environment, contemporary education, health, human rights, and includes a chapter on emerging issues. Long dismissed as relics of a primitive past, indigenous peoples are increasingly seeking international recognition and protection of their rights to land, water, and fundamental human freedoms.

Anthropologist Bradley Reed Howard surveys the struggles of indigenous groups for self-determination in the United States and internationally, calling crucial attention to the urgent need for native social and

political representation. Indigenous Peoples and the State presents an overview of the confrontation between tribal groups and both nation-states and international organizations. Howard places indigenous issues within the larger context of the work of nongovernmental agencies, United Nations initiatives on human rights, and national self-determination. Two specific case studies of indigenous legal status and rights--involving the Iroquois in the United States and the Maori in New Zealand--illuminate native peoples' claims to sovereignty, traditional culture, territory, and natural resources. Ethical problems inevitably arise in any attempt to define identity. Investigating the complex issues of colonialism and culture, Howard reveals that anthropologists have at times played a complicit role in tribal subjugation. He also emphasizes the contributions many cultural anthropologists have made to the progressive transformation of law and recognizes their efforts to preserve indigenous cultures and natural habitats. Anthropological approaches, Howard maintains, offer the best hope for understanding the magnitude of indigenous peoples' worldwide endeavors to attain human rights. Indigenous Peoples and the State draws extensively from native sources on questions of identity, rights, and sovereignty. North American Indians, the Maori, and numerous other native peoples assert international recognition of their independence and status as "peoples" through their treaties and agreements with Western nations. They further demand an accessible international forum through which they can achieve justice and promote national self-determination. Howard's bold analysis offers extraordinary anthropological and legal support for the declarations and aspirations of indigenous peoples.

What is the relationship between culture and human rights? Can the idea of cultural rights, which are predicated on the distinctiveness and exclusivity of a community's beliefs and traditions, be compatible with the concept of human rights, which are universal and 'inherent' to all human beings? If we accept such compatibility, what is the actual content of cultural rights? Who are their beneficiaries: individuals, or peoples or groups as collective entities? And what precise obligations do cultural rights pose upon states or other actors in international law, or for the international community as a whole? International instruments on the protection of human rights do not provide self-evident answers to these questions. This book seeks to analyse these dilemmas and to assess the impact that they are having on international law and the development of a coherent category of cultural human rights.

Rights, Culture, Strategy

Indigenous Aspirations and Rights

The United Nations Declaration on the Rights of Indigenous Peoples

Indigenous Peoples' Cultural Heritage

Indigenous Peoples and Cultural Survival

Indigenous Peoples, National Parks, and Protected Areas

Indigenous Peoples, Customary Law and Human Rights - Why Living Law Matters

The development and adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was a huge success for the global indigenous movement. This book offers an insightful and nuanced contemporary evaluation of the progress and challenges that indigenous peoples have faced in securing the implementation of this new instrument, as well as its normative impact, at both the national and international levels. The chapters in this collection offer a multi-disciplinary analysis of the UNDRIP as it enters the second decade since its adoption by the UN General Assembly in 2007. Following centuries of resistance by Indigenous peoples to state, and state sponsored, dispossession, violence, cultural appropriation, murder, neglect and derision, the UNDRIP is an achievement with deep implications in international law, policy and politics. In many ways, it also represents just the beginning - the opening of new ways forward that include advocacy, activism, and the careful and hard-fought crafting

of new relationships between Indigenous peoples and states and their dominant populations and interests. This book was originally published as a special issue of The International Journal of Human Rights.

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.

The right of indigenous peoples under international human rights law to give or withhold their Free Prior and Informed Consent (FPIC) to natural resource extraction in their territories is increasingly recognized by intergovernmental organizations, international bodies, and industry actors, as well as in the domestic law of some States. This book offers a comprehensive overview of the historical basis and status of the requirement for indigenous peoples' consent under international law, examining its relationship with debates and practice pertaining to the acquisition of title to territory throughout the colonial era. Cathal Doyle examines the evolution of the contemporary concept of FPIC and the main challenges and debates associated with its recognition and implementation. Drawing on existing jurisprudence and evolving international standards, policies and practices, Doyle argues that FPIC constitutes an emerging norm of international law, which is derived from indigenous peoples' self-determination, territorial and cultural rights, and is fundamental to their realization. This rights consistent version of FPIC guarantees that the responses to questions and challenges posed by the extractive industry's increasingly pervasive reach will be provided by indigenous peoples themselves. The book will be of great interest and value to students and researchers of public international law, and indigenous peoples and human rights.

On the occasion of the 80th birthday of Rodolfo Stavenhagen, a distinguished Mexican sociologist and professor emeritus of El Colegio de Mexico, Úrsula Oswald Spring (UNAM/CRIM, Mexico) introduces him as a Pioneer on Indigenous Rights due to his research on human rights issues, especially when he served as United Nations Special Rapporteur on the rights of indigenous peoples. First, in a

retrospective Stavenhagen reviews his scientific and political work for the rights of indigenous peoples. Seven of his classic texts address Seven Fallacies about Latin America (1965); Decolonizing Applied Social Sciences (1971); Ethnodevelopment: A Neglected Dimension in Development Thinking (1986); Human Rights and Wrongs: A Place for Anthropologists? (1998); Indigenous Peoples and the State in Latin America: An Ongoing Debate (2000); Building Intercultural Citizenship through Education: A Human Rights Approach (2006); and Making the Declaration Work (2006). This volume discusses the emergence of indigenous peoples as new social and political actors at the national level in numerous countries, as well as on the international scene. This book introduces a trilogy of Briefs on Rodolfo Stavenhagen published in the same series Pioneers in Science and Practice.

Indigenous Peoples, Title to Territory, Rights and Resources

The Communal Rights of Indigenous Peoples in Asia

The Case for Responsible Business and Management

New Rights or Same Old Wrongs?

A New Paradigm Linking Conservation, Culture, and Rights

Indigenous Peoples: An Encyclopedia of Culture, History, and Threats to Survival [4 volumes]

The Struggle for Native Rights

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.

"Indigenous rights to heritage have only recently become the subject of academic scholarship...The conference [from which this collection is based] made clear that important information on Indigenous cultural heritage has remained unexplored or has not been adequately linked with specific actors (such as WIPO) or specific issues (such as free, prior and informed consent). Indigenous leaders explained the impact that disrespect of their cultural heritage has had on their identity, well-being and development. Experts in social sciences explained the intricacies of indigenous cultural heritage. Human rights scholars talked about the inability of current international law to fully address the injustices towards indigenous communities. Representatives of international organisations discussed new positive developments."--

This book explores the history, culture, rights and the effects of globalization on indigenous people in the Americas, Asia-Pacific, and Africa from an evaluative and critical perspective. Unlike discipline-based textbooks, this volume seeks to

contribute to the social discourse around indigenusness and to engage readers in a shared sense of humanity and empowerment for these groups of individuals. Among the issues addressed are: who indigenous people are, culture and colonization, self-determination, the impact of legal theory and judicial decisions, land rights, poverty, lack of healthcare, international human rights law, tourism, treaties, and globalization. The book concludes by addressing what it means to be an indigenous person in the 21st century, and calling upon policymakers to recognize the importance of preserving indigenous people's territories, languages, cultures and collective rights.

Now more than ever, indigenous peoples' interests in their cultural heritage are in the spotlight. Yet, there is very little literature that comprehensively discusses how existing laws can and cannot be used to address indigenous peoples' interests. This book assesses how intangible aspects of indigenous cultural heritage (and the tangible objects that hold them) can be protected, within the realm of a broad range of existing legal orders, including intellectual property and related rights, consumer protection law, common law and equitable doctrines, and human rights. It does so by focusing on the New Zealand Māori. The book also looks to the future, analysing the long-awaited Wai 262 report, released in New Zealand by the Waitangi Tribunal in response to allegations that the government had failed in its duty to ensure that the Māori retain chieftainship over their tangible and intangible treasures, as required by the Treaty of Waitangi, signed between the Māori and the British Crown in 1840.

The Culturalization of Human Rights Law

Indigenous Cultural Heritage and Intellectual Property Rights

Protecting Culture and the Environment

Human Rights and Indigenous Peoples

Learning from the New Zealand Experience?

Comparing the Americas, Asia-Pacific, and Africa

Indigenous People and the Roles of Culture, Law and Globalization

Indigenous peoples are recognized as groups with specific rights based on their historical ties to particular territories. The United Nations estimates there are 370 million Indigenous peoples, with Indigenous populations being recognized in Australia, Canada, New Zealand, the United States, the Arctic region, Central and South America, and across Asia and Africa. Indigenous Aspirations and Rights takes an Indigenous perspective in examining the intersection of business with Indigenous peoples' rights, in light of the UN Global Compact and the PRME. Indigenous rights include, but are not limited to, human, cultural, educational, employment, participatory development, economic, and social rights, rights to land and natural resources, and impacts on identity, institutions, and relations. This book illustrates three main aspects of business practices in relation to Indigenous peoples: learning from failure, unresolved issues and on-going challenges, and developing models for success. Edited by three leading voices in Indigenous rights research and practice, Indigenous Aspirations and Rights features contributions from around the globe. The work draws together policy implications for management and implications for Indigenous peoples, and examines how the PRME, the UN Global Compact, and the concept of socially responsible business can be expanded to encompass more positive outcomes for Indigenous peoples.

Drawing from diverse scholarship in international law, legal and moral philosophy, and political science, *Ethno-Cultural Diversity and Human Rights* brings prominent experts together to address contested dimensions of the role of ethno-cultural groups in human rights discourse.

"I want to be clear: what matters far more than words, what matters far more than any resolution or declaration, are actions to match those words." United States President Barack Obama, December 16, 2010

The proceeding series of five contextual case studies express independent contextual studies in the consideration of contemporary Indigenous cultural heritage(s) arts practices; structured under the 2007 United Nations Declaration on the Rights of Indigenous Peoples and relational international human rights and cultural policy; in that cultural heritage(s) arts are animate intrinsic structures of continuity inherent to Indigenous human rights as indivisible attributions inherent to the meaningful actualization of equitable human rights of all peoples. The series of studies express independent consideration of customary and contemporary Indigenous cultural heritage(s) arts practices; structured under the 2007 United Nations Declaration on the Rights of Indigenous Peoples and the 1948 Universal Declaration of Human Rights in accordance with each nation's Indigenous domestic policy, in that cultural heritage(s) arts are animate intrinsic structures of continuity inherent to Indigenous human rights as indivisible attributions. The series of case studies contained therein engages five national context studies comprised of United Nations General Assembly member states in the governance of Indigenous peoples (Australia, Canada, New Zealand, United States) with inclusion to the Nation of South Africa as a United Nations member state non-signatory to both the 1948 Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples. Assessment is provided through relational dialogues pertaining to each contextual study as an independent series of referential ideological and/or cultural embodiment regarding the disposition of national and international human rights and Indigenous cultural policy guided under the 2007 United Nations Declaration on the Rights of Indigenous Peoples in concert with the 1948 United Nations Universal Declaration of Human Rights as primary policy precedence as interpreted through visual arts media. Article 27 2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. -United Nations Universal Declaration of Human Rights, 1948

Mediation through cultural heritage(s) arts forms are expressly evoked to articulate embodiments of reciprocally tangible and intangible aspects of cultural heritage(s) in representational aesthetic cultural heritage(s) within applicable parameters of international Indigenous cultural policies .

Provides an overview of Economic, Social and Cultural (ESC) rights and how these can be applied to minorities and indigenous peoples. This guide offers practical information and advice about the best ways to advocate for securing ESC rights. It covers the rights to food and to water, housing rights, health rights, education rights, and more.

Scales of Governance and Indigenous Peoples' Rights

Reparations for Cultural Rights of Indigenous Peoples

Repatriation and Beyond

The Human Rights of Indigenous Peoples

Protecting the Arctic

Indigenous Peoples' Status in the International Legal System

Handbook of Indigenous Peoples' Rights

The book is an essential resource for those interested in investigating the lives, histories, and futures of indigenous peoples around the world. Perfect for readers looking to learn more about cultural groups around the world, this four-volume work examines approximately 400 indigenous groups globally. The

encyclopedia investigates the history, social structure, and culture of peoples from all corners of the world, including their role in the world, their politics, and their customs and traditions. Alphabetically arranged entries focus on groups living in all world regions, some of which are well-known with large populations, and others that are lesser-known with only a handful of surviving members. Each entry includes sections on the group's geography and environment; history and politics; society, culture, and tradition; access to health care and education; and threats to survival. Each entry concludes with See Also cross-references and a list of Further Reading resources to guide readers in their research. Included in the encyclopedia are also Native Voices inset boxes, allowing readers a glimpse into the daily lives of members of these indigenous groups, as well as an appendix featuring the United Nations Declaration on the Rights of Indigenous Peoples. • Allows for easy cross-cultural comparisons to be made from entry to entry • Includes an appendix with the United Nations Declaration on the Rights of Indigenous Peoples so readers can easily access it as a resource • Showcases "Native Voices" boxes throughout the work, allowing readers to get a snapshot of a "day in the life" of members of various cultural group • Offers "See Also" features at the end of each entry to easily cross-reference entries • Provides accessible insight into many aspects of indigenous life, including history, society and culture, healthcare and education, and environment

Development in Asia faces a crucial issue: the right of indigenous peoples to build a better life while protecting their ancestral lands and cultural identity. An intimate relationship with land expressed in communal ownership has shaped and sustained these cultures over time. But now, public and private enterprises encroach upon indigenous peoples' traditional domains, extracting minerals and timber, and building dams and roads. Displaced in the name of progress, indigenous peoples find their identities diminished, their livelihoods gone. Using case studies from Cambodia, India, Malaysia, and the Philippines, nine experts examine vulnerabilities and opportunities of indigenous peoples. Debunking the notion of tradition as an obstacle to modernization, they find that those who keep control of their communal lands are the ones most able to adapt.

This study of the rights of indigenous peoples looks at the historical, cultural, and legal background to the position of indigenous peoples in a range of different cultures, including America, Africa and Australia. It defines who and what indigenous peoples actually are, and looks at their position in

the light of the development of international law. The study looks at their legal position, and their economic, social and cultural rights in respect of various laws and conventions passed on a national and international scale throughout the world. It considers the International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child, the Racial Discrimination Convention, the African Charter on Human and Peoples Rights, the UN Draft Declaration on Indigenous Peoples and the Proposed American Declaration on the Rights of Indigenous Peoples. There is discussion on how the development of human rights legislation and principles as a central tenet of international law has been of considerable benefit to indigenous peoples.

More than 300 million people in over 70 countries make up the world's 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.

International and Domestic Legal Perspectives

International and Regional Jurisprudence

The Elusive Promise of Indigenous Development

An Introduction

A Commentary

Environmental Justice and the Rights of Indigenous Peoples

Peasants, Culture and Indigenous Peoples

Elvira Pulitano examines the relevance of international law in advancing indigenous peoples' struggles for self-determination and cultural flourishing.

A collection on the possibilities and limitations of the UN in the field of human rights. It gives a detailed description of international mechanisms for prevention and compensation of serious

violations of fundamental rights of indigenous peoples. This volume presents a comprehensive overview of biocultural rights, examining how we can promote the role of indigenous peoples and local communities as environmental stewards and how we can ensure that their ways of life are protected. With Biocultural Community Protocols (BCPs) or Community Protocols (CPs) being increasingly seen as a powerful way of tackling this immense challenge, this book investigates these new instruments and considers the lessons that can be learnt about the situation of indigenous peoples and local communities. It opens with theoretical insights which provide the reader with foundational concepts such as biocultural diversity, biocultural rights and community rule-making. In Part Two, the book moves on to community protocols within the Access Benefit Sharing (ABS) context, while taking a glimpse into the nature and role of community protocols beyond issues of access to genetic resources and traditional knowledge. A thorough review of specific cases drawn from field-based research around the world is presented in this part. Comprehensive chapters also explore the negotiation process and raise stimulating questions about the role of international brokers and organizations and the way they can use BCPs/CPs as disciplinary tools for national and regional planning or to serve powerful institutional interests. Finally, the third part of the book considers whether BCPs/CPs, notably through their emphasis on "stewardship of nature" and "tradition", can be seen as problematic arrangements that constrain indigenous peoples within the Western imagination, without any hope of them reconstructing their identities according to their own visions, or whether they can be seen as political tools and representational strategies used by indigenous peoples in their struggle for greater rights to their land, territories and resources, and for more political space. This volume will be of great interest to students and scholars of environmental law, indigenous peoples, biodiversity conservation and environmental anthropology. It will also be of great use to professionals and policymakers involved in environmental management and the protection of indigenous rights.

Handbook of Indigenous Peoples' Rights Routledge
Indigenous Peoples in International Law
Economic, Social and Cultural Rights
Indigenous Peoples and Human Rights
The UN Declaration on the Rights of Indigenous Peoples
Biocultural Rights, Indigenous Peoples and Local Communities
Indigenous Rights in the Age of the UN Declaration
Challenges and Critiques

Protecting the Arctic explores some of the ways in which indigenous peoples have taken political action regarding Arctic environmental and sustainable development issues, and investigates the involvement of indigenous peoples in international environmental policy-making. Nuttall illustrates how indigenous peoples make claims that their own forms of resource management not only have relevance in an Arctic regional context, but provide models for the inclusion of indigenous values and environmental knowledge in the design,

negotiation and implementation of global environmental policy.

Around the world, indigenous peoples use international law to make claims for heritage, territory, and economic development. Karen Engle traces the history of these claims, considering the prevalence of particular legal frameworks and their costs and benefits for indigenous groups. Her vivid account highlights the dilemmas that accompany each legal strategy, as well as the persistent elusiveness of economic development for indigenous peoples. Focusing primarily on the Americas, Engle describes how cultural rights emerged over self-determination as the dominant framework for indigenous advocacy in the late twentieth century, bringing unfortunate, if unintended, consequences. Conceiving indigenous rights as cultural rights, Engle argues, has largely displaced or deferred many of the economic and political issues that initially motivated much indigenous advocacy. She contends that by asserting static, essentialized notions of indigenous culture, indigenous rights advocates have often made concessions that threaten to exclude many claimants, force others into norms of cultural cohesion, and limit indigenous economic, political, and territorial autonomy. Engle explores one use of the right to culture outside the context of indigenous rights, through a discussion of a 1993 Colombian law granting collective land title to certain Afro-descendant communities.

Following the aspirations for and disappointments in this law, Engle cautions advocates for marginalized communities against learning the wrong lessons from the recent struggles of indigenous peoples at the international level.

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.

"This volume presents a comprehensive overview of biocultural rights, examining how we can promote the role of indigenous peoples and local

communities as environmental stewards and how we can ensure that their ways of life are protected. With Biocultural Community Protocols (BCPs) or Community Protocols (CPs) are increasingly seen as a powerful way of tackling this immense challenge, this book investigates these new instruments pioneering pieces of legislation and considers the lessons that can be learnt about the situation of indigenous peoples and local communities. It opens with theoretical insights which provide the reader with foundational concepts such as biocultural diversity, biocultural rights, and community rule-making. In Part Two, the book moves on to community protocols within the Access Benefit Sharing (ABS) context, while taking a glimpse into the nature and role of community protocols beyond issues of access to genetic resources and traditional knowledge. A thorough review of specific cases drawn from field-based research around the world is presented in this part. Comprehensive chapters also explore the negotiation process and raise stimulating questions about the role of international brokers and organisations and the way they can use BCPs/CPs as disciplinary tools for national and regional planning or to serve powerful institutional interests. Finally, the third part of the book considers whether BCPs/CPs, notably through their emphasis on "stewardship of nature" and "tradition", can be seen as problematic arrangements that constrain indigenous peoples within the Western imagination, without any hope of them reconstructing their identities according to their own visions, or whether they can be seen as political tools and representational strategies used by indigenous peoples in their struggle for greater rights to their land, territories and resources, and for more political space. This volume will be of great interest to students and scholars of environmental law, indigenous peoples, biodiversity conservation and environmental anthropology. It will also be of great use to professionals and policymakers involved in environmental management and the protection of indigenous rights"--

Cultural Rights in International Law

The Inherent Rights of Indigenous Peoples in International Law

Pioneer on Indigenous Rights

Land and Cultural Survival

Indigenous Peoples and the State

Religion and Human Rights

Critical Issues

The rights of indigenous peoples under international law have seen significant change in recent years, as various international bodies have attempted to address the question of how best to protect and enforce their rights. The United Nations Declaration on the Rights of Indigenous Peoples is the strongest statement thus far by the international community on this issue. The Declaration was adopted by the United Nations on 13 September 2007, and sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education, and other issues. While it is not a legally binding instrument under international law, it represents the development of international legal norms designed to eliminate human rights violations against indigenous peoples, and to help them in combating discrimination and marginalisation. This comprehensive commentary on the Declaration analyses in detail both the substantive content of the Declaration and the position of the Declaration within existing international law. It considers the background to

the text of every Article of the Declaration, including the travaux préparatoire, the relevant drafting history, and the context in which the provision came to be included in the Declaration. It sets out each provision's content, interpretation, its relationship with other principles of international law, and its legal status. It also discusses the significance and outlook for each of the rights analysed. The book assesses the practice of relevant regional and international bodies in enforcing the rights of indigenous peoples, providing an understanding of the practical application of the Declaration's principles. It is an indispensable resource for scholars, students, international organisations, and NGOs working on the rights of indigenous peoples

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.

A vast number of national parks and protected areas throughout the world have been established in the customary territories of Indigenous peoples. In many cases these conservation areas have displaced Indigenous peoples, undermining their cultures, livelihoods, and self-governance, while squandering opportunities to benefit from their knowledge, values, and practices. This book makes the case for a paradigm shift in conservation from exclusionary, uninhabited national parks and wilderness areas to new kinds of protected areas that recognize Indigenous peoples' conservation contributions and rights. It documents the beginnings of such a paradigm shift and issues a clarion call for transforming conservation in ways that could enhance the effectiveness of protected areas and benefit Indigenous peoples in and near tens of thousands of protected areas worldwide. *Indigenous Peoples, National Parks, and Protected Areas* integrates wide-ranging, multidisciplinary intellectual perspectives with detailed analyses of new kinds of protected areas in diverse parts of the world. Eleven geographers and anthropologists contribute nine substantive fieldwork-based case studies. Their contributions offer insights into experience with new conservation approaches in an array of countries, including Australia, Canada, Guatemala, Honduras, Nepal, Nicaragua, Peru, South Africa, and the United States. This book breaks new ground with its in-depth exploration of changes in conservation policies and practices—and their profound ramifications for Indigenous peoples, protected areas, and social reconciliation.

This book analyses the legal aspects of international claims by indigenous peoples for the repatriation of their cultural property, and explores what legal norms and normative orders would be appropriate for resolving these claims. To establish context, the book first provides insights into the exceptional legislative responses to the cultural property claims of Native American tribes in the United States and looks at the possible relevance of this national law on the international level. It then shifts to the multinational setting by using the method of legal pluralism and takes into consideration international human rights law, international cultural heritage law, the applicable national laws in the United Kingdom, France and Switzerland, transnational law such as museum codes, and decision-making in extra-legal procedures. In the process, the book reveals the limits of the law in dealing with the growing imperative of human rights in the field, and concludes with three basic insights that are of key relevance for improving the law and decision-making with regard to indigenous peoples'

Access Free Indigenous Peoples Rights And Cultural Identity In The

cultural property.