

International Human Rights And Indigenous Peoples Elective Series

Critical Indigenous Rights Studies
The Sovereignty of Human Rights
Research Handbook on International Human Rights Law
Human Rights and Indigenous Peoples
Indigenous (In)Justice
Natural Resources Grabbing: An International Law Perspective
The United Nations Declaration on the Rights of Indigenous Peoples
Indigenous Peoples and International Trade
Human Rights and Indigenous Peoples
Indigenous Peoples, Consent and Rights
Human Rights and Indigenous Peoples
Incorporating Indigenous Rights in the International Regime on Biodiversity Protection
The UN Declaration on the Rights of Indigenous Peoples
Antarctica in International Law
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International Human Rights and Indigenous Peoples
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Human Rights, Culture and the Rule of Law
Human Rights of Indigenous Peoples: Comparative analysis of indigenous peoples
The Origins of Indigenism
A Guide to Indigenous Peoples' Rights in the Inter-American Human Rights System
Global Indigenous Politics

Critical Indigenous Rights Studies

The debate on indigenous rights has revealed some serious difficulties for current international law, posed mainly by different understandings of important concepts. This book explores the extent to which indigenous claims, as recorded in the United Nations forums, can be accommodated by international law. By doing so, it also highlights how the indigenous debate has stretched the contours and ultimately evolved international human rights standards. The book first reflects on the international law responses to the theoretical arguments on cultural membership. After a comprehensive analysis of the existing instruments on indigenous rights, the discussion turns to self-determination. Different views are assessed and a fresh perspective on the right to self-determination is outlined. Ultimately, the author refuses to shy away from difficult questions and challenging issues and offers a comprehensive discussion of indigenous rights and their contribution to international law.

The Sovereignty of Human Rights

In Corporate Responsibility and Human Rights, Jide James-Eluyode provides a

comprehensive analysis of critical human rights developments and topical issues and trends in corporate social responsibility practices. James-Eluyode examines how corporate entities fulfill their responsibility to respect human rights in general and indigenous peoples' rights in particular. Given the momentous impact of corporate projects and recent developments in the area of international human rights, James-Eluyode contends that the establishment of a universally-binding, corporate code of conduct is inescapable, and concludes that respect for human rights by corporations is not simply a discretionary moral or binding legal matter but a bottom-line issue.

Research Handbook on International Human Rights Law

4. Relativism and Rights

Human Rights and Indigenous Peoples

A collection of fundamental information on the possibilities and limitations of the United Nations action in the field of human rights. The book gives detailed description of the existing international mechanisms for prevention and compensation of serious violations of the fundamental rights of indigenous peoples.

Indigenous (In)Justice

Dr Julian Burger, Indigenous Peoples Program, Office of the UN High Commissioner for Human Rights says: Sarah Pritchard makes a welcome and practical contribution to the upholding of human rights. Her book brings together articles by the world's leading authorities. Congratulations for providing Aboriginal people and other interested individuals and organisations with this hands-on guide to the United Nations and human rights.

Natural Resources Grabbing: An International Law Perspective

The United Nations Declaration on the Rights of Indigenous Peoples

1 We are still here

Indigenous Peoples and International Trade

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.

Human Rights and Indigenous Peoples

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.

Indigenous Peoples, Consent and Rights

A collection of fundamental information on the possibilities and limitations of the United Nations action in the field of human rights. The book gives detailed description of the existing international mechanisms for prevention and compensation of serious violations of the fundamental rights of indigenous peoples.

Human Rights and Indigenous Peoples

This new book examines the relationship between culture and respect for human rights. It departs from the oft-made assumption that culture is closely linked to ideas about community. Instead, it reveals culture as a quality possessed by the individual with a serious impact on her ability to enjoy the rights and freedoms as recognised in international human rights law in meaningful and effective ways. This understanding redirects attention towards a range of issues that have long been marginalised, but which warrant a central place in human rights research and on the international human rights agenda. Special attention is given to the circumstances induced by cultural differences between people and the laws by which they are expected to live. The circumstances are created by differing tools, know-how and skills (cultural equipment), diverse settlements on matters that are ultimately indifferent from the standpoint of cosmopolitan moral law (adiaphora), and conflicts having their source in conflicting doctrines ethical, religious and philosophical addressing deep questions about the ultimate purpose of human life (comprehensive doctrines). Each of the circumstances shifts the focus with the aim of securing effective and adequate protection of individual freedom, as societies become increasingly diversified in cultural terms and issues arise of access to laws and public institutions, exemption from legal obligations for reasons of conscience, fair resolution of conflicts having their source in differing ethical, religious and philosophical outlooks, and, excuse for breach of law in case of involuntary ignorance.

Incorporating Indigenous Rights in the International Regime on Biodiversity Protection

The field of 'critical indigenous rights studies' is a complex one that benefits from an interdisciplinary perspective and a realist (as opposed to an idealised) approach to indigenous peoples. This book draws on sociology of law, anthropology, political sciences and legal sciences in order to address emerging issues in the study of indigenous rights and identify directions for future research. The first part of the volume investigates how changing identities and cultures impact rights protection, analysing how policies on development and land, and processes such as migration, interrelate with the mobilisation of identities and the realisation of rights. In the second part, new approaches related to indigenous peoples' rights are scrutinised as to their potential and relevance. They include addressing legal tensions from an indigenous peoples' rights perspective, creating space for counter-narratives on international law and designing new instruments. Throughout the text, case studies with wide geographical scope are presented, ranging from Latin America (the book's focus) to Egypt, Rwanda and Scandinavia.

The UN Declaration on the Rights of Indigenous Peoples

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.

Antarctica in International Law

In *Incorporating Indigenous Rights in the International Regime on Biodiversity Protection*, Federica Cittadino convincingly interprets the Convention on Biological Diversity (CBD) and its related instruments in light of indigenous rights and the principle of self-determination.

The Inherent Rights of Indigenous Peoples in International Law

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.

International Human Rights and Indigenous Peoples

The Guide to Indigenous Peoples' Rights in the Inter-American Human Rights System is one of an IWGIA's handbook series and aims to provide indigenous peoples and organizations with practical information to support their effective use of Inter-American human rights mechanisms and procedures for the vindication of their rights. While these procedures are far from perfect and certainly will not remedy all human rights problems, their use by indigenous peoples has led to concrete gains at the national and local levels in the past and can be expected to continue to do so in the future. Their use also further reinforces and develops indigenous rights norms at the international level, which provides additional strength to local and national advocacy and reform efforts. The guide sets out in detail how the Inter-American human rights system works. It summarizes what rights are protected, with a focus on those of particular importance to indigenous peoples. It also provides detailed guidance on how to submit petitions to the Inter-American Commission on Human Rights. Summaries of relevant cases and judgments that have already passed through the system or ones that are in progress are also included. These cases and judgments show how the system deals with indigenous rights and provide concrete examples of how a case can be moved through the system, illustrating some of the points made in the section on how to submit a petition. Finally, the last chapter of the book deals with the Proposed American Declaration on the Rights of Indigenous Peoples. Throughout the text, links are made to web sites containing relevant documents and the full text of cases or reports discussed.

Indigenous Peoples in International Law

Scales of Governance and Indigenous Peoples' Rights

Natural Resources Grabbing: An International Law Perspective aims at filling a gap in legal literature by addressing the adverse effects that large-scale investments in natural resources may pose to fundamental human rights and the protection of the

environment.

Indigenous Peoples and Human Rights

This book provides a theoretically grounded and practically oriented synthesis of the international law of indigenous peoples. Against a historical background, James Anaya discusses a new generation of international treaty and customary norms, within international law's human rights program, concerning groups that are descended from the original inhabitants of lands now dominated by others. Anaya further identifies and analyzes institutions and procedures, both at the domestic and international levels, for implementing international norms concerning indigenous peoples.

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

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.

Traditional, National, and International Law and Indigenous Communities

International Law and the Rights of Minorities

The Sovereignty of Human Rights advances a legal theory of international human rights that defines their nature and purpose in relation to the structure and operation of international law. Professor Macklem argues that the mission of international human rights law is to mitigate adverse consequences produced by the international legal deployment of sovereignty to structure global politics into an international legal order. The book contrasts this legal conception of international human rights with moral conceptions that conceive of human rights as instruments that protect universal features of what it means to be a human being. The book also takes issue with political conceptions of international human rights that focus on the function or role that human rights plays in global political discourse. It demonstrates that human rights traditionally thought to lie at the margins of international human rights law - minority rights, indigenous rights, the right of self-determination, social rights, labor rights, and the right to development - are central to the normative architecture of the field.

The Rights of Indigenous Peoples and Maroons in Suriname

This book examines how Indigenous peoples' rights and Indigenous rights movements represent an important and often overlooked shift in international politics - a shift that powerful states are actively resisting in a multitude of ways. While Indigenous peoples are often dismissed as marginal non-state actors, this book argues that far from insignificant, global Indigenous politics is potentially forging major changes in the international system, as the implementation of Indigenous peoples' rights requires a complete re-thinking and re-ordering of sovereignty, territoriality, liberalism, and human rights. After thirty years of intense effort, the transnational Indigenous rights movement achieved passage of the UN Declaration on the Rights of Indigenous Peoples in September 2007. This book asks: Why did movement need to fight so hard to secure passage of a bare minimum standard on Indigenous rights? Why is it that certain states are so threatened by an emerging international Indigenous rights regime? How does the emerging Indigenous rights regime change the international status quo? The questions are addressed by exploring how Indigenous politics at the global level compels a new direction of thought in IR by challenging some of its fundamental tenets. It is argued that global Indigenous politics is a perspective of IR that, with the recognition of Indigenous peoples' collective rights to land and self-determination, complicates the structure of international politics in new and important ways, challenging both Westphalian notions of state sovereignty and the (neo-)liberal foundations of states and the international human rights consensus. Qualitative case studies of Canadian and New Zealand Indigenous rights, based on original field research, analyse both the potential and the limits of these challenges. This work will be of interest to graduates and scholars in international relations, Indigenous studies, international organizations, IR theory and social movements.

Human Rights Of Indigenous Peoples

Indigenous (In)Justice explores legal and human rights issues surrounding the

Bedouin Arab population in Israel's Naqab/Negev desert. With contributions from international scholars, including United Nations officials, the volume examines the economic and social rights of indigenous peoples within the context of the Israeli-Palestinian conflict.

Indigenous Peoples in International Law

"This manuscript, the second in the Indigenous Justice series, explores the "use and misuse of the law to the detriment of Indigenous people." It is sorted around three major themes: it highlights the marginalization of Indigenous law; argues that European-based law has been used to "destroy Indigenous human rights by enacting laws about forced assimilation, political disenfranchisement, and the destruction of social institutions"; and shows that "law is often a tool of exploitation" that has been "used to justify slavery, massacres, land and resource theft, and treaty-breaking."--

Indigenous Rights and United Nations Standards

Antarctica, one of the world's last great wildernesses, presents special challenges for international law. Fears that Antarctica would become a front in the Cold War catalysed agreement on the 1959 Antarctic Treaty which neither legitimised nor challenged the existing sovereign claims to the continent. The unique Antarctic Treaty System has provided the foundation for peaceful, harmonious and effective governance. There are, however, new anxieties about the frozen continent and the Southern Ocean. Antarctica already feels the effects of climate change and ocean acidification. Claimant states assert rights to the Antarctic continental shelf and interest in Antarctic resources grows. Tourism brings new environmental and safety risks. China and other powers are increasing their activities, with some questioning the consensus of the 'Antarctic club'. Security concerns are increasingly discussed, despite Antarctica's dedication to peaceful purposes. This book brings together the main primary international materials concerning the regulation and governance of Antarctica, including multilateral and bilateral treaties, United Nations materials, 'soft laws' and judicial decisions. It covers the spectrum of Antarctic issues from environmental protection to scientific cooperation to tourism. As it shows, Antarctic law has constantly adapted to meet new challenges and is a sophisticated, inclusive, dynamic and responsive regime.

Handbook of Indigenous Peoples' Rights

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

Bringing Human Rights Home

This original and insightful book explores and examines the impact that building mega-dams has on the human rights of those living in surrounding areas, and in particular those of indigenous peoples who are often most affected. Compiling case studies from around the world, Itzchak Kornfeld provides clear examples of how human rights violations are perpetrated and compounded, with chapters

examining historical, recent and ongoing dam projects.

Indigenous Peoples' Land Rights under International Law

This volume describes and analyses the Surinamese legal system as it relates to the rights of indigenous peoples and Maroons. The rights of these peoples have not been systematically addressed in this context before, nor have they ever been the subjects of extensive academic research. The book provides a good starting point for discussions of the rights of indigenous peoples and Maroons, hopefully leading to a full recognition of their rights in Suriname.

Indigenous Peoples, the United Nations and Human Rights

The treatment of ethnic and religious minorities by states is a major issue in the closing decade of the twentieth century. Conflict between ethnic groups, and between groups and states colours international relations and politics. The developments in Eastern Europe and the USSR have led to re-emergence of ethnic and nationalist issues, whilst the problems of national consolidation of new states inevitably raises questions of culture, religion and language. Minorities rights are difficult to accommodate within the individualist and universalist framework of human rights. International law is required to deal with dilemmas such as individual versus collective rights, passivity on the part of the state towards minority cultures or positive action to promote them, and nation-building as against group self-determination and autonomy. *International Law and the Rights of Minorities* attempts to explore the response of international law to these major questions through detailed analysis of treaty and customary law, including regional treaties. Areas covered include the prohibition of genocide, Article 27 of the Covenant on Civil and Political Rights, the principle of non-discrimination and the related but separable issue of indigenous peoples and international law. Reference is also made to the pre-UN tradition of group protection. *International Law and the Rights of Minorities* concludes with an assessment of the achievements of international law in these areas and explores the possibilities for future progress.

Indigenous Peoples and Human Rights

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

Corporate Responsibility and Human Rights

At the beginning of the nineties, there was an expectation within the human rights community that the next decade would be a period of consolidation for the international human rights regime. This did not happen. In fact, the human rights regime underwent dramatic changes in response to new circumstances. We have tried to highlight both the achievements and the challenges ahead in this Manual, the result of a joint project under the auspices of HumanitarianNet, a Thematic Network on Humanitarian Development Studies led by the University of Deusto (Bilbao, the Basque Country, Spain), and the European Inter-University Centre for Human Rights and Democratisation (EIUC, Venice, Italy).

International Protection of Human Rights: Achievements and Challenges

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

Mega-Dams and Indigenous Human Rights

The Book Explores The Evolution And Recognition Of Law, At The Domestic And International Levels, Related To Indigenous Peoples New Dominated By Others.

Indigenous Rights in the Age of the UN Declaration

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.

Human Rights, Culture and the Rule of Law

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.

Human Rights of Indigenous Peoples: Comparative analysis of indigenous peoples

This handbook brings together the work of 25 leading human rights scholars from all over the world, covering a broad range of human rights topics.

The Origins of Indigenism

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.

A Guide to Indigenous Peoples' Rights in the Inter-American Human Rights System

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.

Global Indigenous Politics

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 problematises 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.

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