

Indigenous Peoples And The Law Special Issue Of Without Prejudice The Eaford International Review Of Racial Discrimination

Indigenous Peoples and Human Rights
Indigenous Peoples as Subjects of International Law
Indigenous Peoples in International Law
Climate Change and Indigenous Peoples
Indigenous Peoples and the Law
Conquest by Law
Law's Indigenous Ethics
Indigenous Peoples' Status in the International Legal System
Indigenous Peoples and Protected Areas
Indigenous Peoples, Consent and Rights
Indigenous Peoples in International Law
Indigenous Peoples and Ethnic Minorities of Pakistan
Indigenous Peoples' Land Rights under International Law
Land, Indigenous Peoples and Conflict
Indigenous Courts, Self-Determination and Criminal Justice
Critical Indigenous Rights Studies
Aboriginal Peoples, Colonialism and International Law
Indigenous Rights in Scandinavia
Aboriginal Peoples and the Law
Indigenous Peoples and the Law
Indigenous Peoples and Human Rights
Perversions of Justice
Indigenous Peoples and the Law
POSSESSING THE PACIFIC
Indigenous Peoples and International Trade
Indigenous Peoples, Customary Law and Human Rights - Why Living Law Matters
Indigenous People, Crime and Punishment
The Literary and Legal Genealogy of Native American Dispossession
Traditional, National, and International Law and Indigenous Communities
Handbook of Indigenous Peoples' Rights
Indigenous Peoples, the Environment and Law
Reconciling Indigenous Peoples' Individual and Collective Rights
Indigenous Peoples and the State
The Inherent Rights of Indigenous Peoples in International Law
Scales of Governance and Indigenous Peoples' Rights
Indigeneity: Before and Beyond the Law
Science, Colonialism, and Indigenous Peoples
Indigenous Peoples, Postcolonialism, and International Law
Braiding Legal Orders
Majah

Indigenous Peoples and Human Rights

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.

Indigenous Peoples as Subjects of International Law

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.

Indigenous Peoples in International Law

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.

Climate Change and Indigenous Peoples

Indigenous People, Crime and Punishment examines criminal sentencing courts' changing characterisations of Indigenous peoples' identity, culture and postcolonial status. Focusing largely on Australian Indigenous peoples, but drawing also on the Canadian experiences, Thalia Anthony critically analyses how the judiciary have interpreted Indigenous difference. Through an analysis of Indigenous sentencing remarks over a fifty year period in a number of jurisdictions, the book demonstrates how judicial discretion is moulded to dominant white assumptions about Indigeneity. More specifically, Indigenous People, Crime and Punishment shows how the increasing demonisation of Indigenous criminality and culture in sentencing has turned earlier 'gains' in the legal recognition of Indigenous peoples on their head. The recognition of Indigenous difference is thereby revealed as a pliable concept that is just as likely to remove concessions as it is to grant them. Indigenous People, Crime and Punishment suggests that Indigenous justice requires a two-way recognition process where Indigenous people and legal systems are afforded greater control in sentencing, dispute resolution and Indigenous healing.

Indigenous Peoples and the Law

Despite the fact that the appropriation of land and resources of the so-called New

World necessarily involved the dispossession and exploitation (and, sometimes, genocide) of the original inhabitants of colonized nations, it was not until the late twentieth century that Indigenous Peoples attained any meaningful degree of legal recognition in both national and international spheres. Until then Indigenous Peoples (also known as 'First Nations' and 'First Peoples') were routinely denied any form of juridical identity. Research in and around Indigenous Peoples and the Law is now very wide-ranging and flourishes as never before. But much of the relevant literature remains inaccessible or is highly specialized and compartmentalized, so that it is difficult for many of those who are interested in the subject to obtain an informed, balanced, and comprehensive overview. This new four-volume collection meets the need for an authoritative anthology to make sense of the subject's vast and dispersed literature and the continuing explosion in research output. Drawing on a wide variety of materials from a broad range of disciplines and theoretical approaches, the collection gathers canonical and cutting-edge major works in a 'one-stop' resource to enable users to understand how the law Indigenous Peoples encounter has been transformed from an oppressive, rights-denying system to a site of contestation and for the articulation of claims. The collection includes a full index and is supplemented by introductions to each volume, newly written by the editors, which place the gathered materials in their historical and intellectual context. Indigenous Peoples and the Law is an essential reference work which will be valued as a vital resource by students, scholars, policy-makers, and practitioners. subject's vast and dispersed literature and the continuing explosion in research output. Drawing on a wide variety of materials from a broad range of disciplines and theoretical approaches, the collection gathers canonical and cutting-edge major works in a 'one-stop' resource to enable users to understand how the law Indigenous Peoples encounter has been transformed from an oppressive, rights-denying system to a site of contestation and for the articulation of claims. The collection includes a full index and is supplemented by introductions to each volume, newly written by the editors, which place the gathered materials in their historical and intellectual context. Indigenous Peoples and the Law is an essential reference work which will be valued as a vital resource by students, scholars, policy-makers, and practitioners.

Conquest by 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."--

Law's Indigenous Ethics

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' Status in the International Legal System

Examines how contemporary relations between indigenous and Western nations are shaped by the dynamics of power, the politics of property, and the apologetics of law.

Indigenous Peoples and Protected Areas

The Literary and Legal Genealogy of Native American Dispossession offers a unique interpretation of how literary and public discourses influenced three U.S. Supreme Court Rulings written by Chief Justice John Marshall with respect to Native Americans. These cases, *Johnson v. M'Intosh* (1823), *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832), collectively known as the Marshall Trilogy, have formed the legal basis for the dispossession of indigenous populations throughout the Commonwealth. The Trilogy cases are usually approached as 'pure' legal judgments. This book maintains, however, that it was the literary and public discourses from the early sixteenth through to the early nineteenth centuries that established a discursive tradition which, in part, transformed the American Indians from owners to 'mere occupants' of their land. Exploring the literary genesis of Marshall's judgments, George Pappas draws on the work of Michel Foucault, Edward Said and Homi Bhabha, to analyse how these formative U.S. Supreme Court rulings blurred the distinction between literature and law.

Indigenous Peoples, Consent and Rights

1 We are still here

Indigenous Peoples in International Law

An anthology of edited previously published articles.

Indigenous Peoples and Ethnic Minorities of Pakistan

While many have explored the law governing the rights of indigenous peoples through an examination of relevant instruments and institutions, this book demonstrates that international indigenous rights can be best understood through the study of two questions: What is meant by 'peoples' and 'equality' under international law? *Indigenous Peoples' Status in the International Legal System* offers a new and profound insight into the international indigenous rights discourse. This volume explains that the understanding of 'peoples' is paramount to the question of whether indigenous peoples are beneficiaries of the right to self-determination and sets out 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.

Indigenous Peoples' Land Rights under International Law

'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.

Read Free Indigenous Peoples And The Law Special Issue Of Without Prejudice The Eaford International Review Of Racial Discrimination

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.

Land, Indigenous Peoples and Conflict

Law's Indigenous Ethics examines the revitalization of Indigenous peoples' relationship to their own laws and, in so doing, attempts to enrich Canadian constitutional law more generally. Organized around the seven Anishinaabe grandmother and grandfather teachings of love, truth, bravery, humility, wisdom, honesty, and respect, this book explores ethics in relation to Aboriginal issues including title, treaties, legal education, and residential schools. With characteristic depth and sensitivity, John Borrows brings insights drawn from philosophy, law, and political science to bear on some of the most pressing issues that arise in contemplating the interaction between Canadian state law and Indigenous legal traditions. In the course of a wide-ranging but accessible inquiry, he discusses such topics as Indigenous agency, self-determination, legal pluralism, and power. In its use of Anishinaabe stories and methodologies drawn from the emerging field of Indigenous studies, Law's Indigenous Ethics makes a significant contribution to scholarly debate and is an essential resource for readers seeking a deeper understanding of Indigenous rights, societies, and cultures.

Indigenous Courts, Self-Determination and Criminal Justice

The Truth and Reconciliation Commission urged a better understanding of Aboriginal law for all Canadians. This book responds to that call, outlining significant legal developments in straightforward, non-technical language. Jim Reynolds provides the historical context needed to understand the relationship between Indigenous peoples and settlers and explains key topics such as

Read Free Indigenous Peoples And The Law Special Issue Of Without Prejudice The Eaford International Review Of Racial Discrimination

sovereignty, fiduciary duties, the honour of the Crown, Aboriginal rights and title, treaties, the duty to consult, Indigenous laws, and international law. He concludes that rather than leaving the judiciary to sort out essentially political issues, politicians need to take responsibility for this crucial aspect of building a just society.

Critical Indigenous Rights Studies

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.

Aboriginal Peoples, Colonialism and International Law

Examines the issues facing indigenous peoples and ethnic minorities, including their role in the nation's constitutional and legal developments, and makes a number of recommendations which would satisfy their demands without compromising the sovereignty of the state.

Indigenous Rights in Scandinavia

Companies, the plaintiffs in Johnson v. McIntosh. Conquest by Law provides, for the first time, the complete and troubling account of the European "discovery" of the Americas.

Aboriginal Peoples and the Law

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.

Indigenous Peoples and the Law

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 and Human Rights

This book contributes to the international debate on Indigenous Peoples Law, containing both in-depth research of Scandinavian historical and legal contexts with respect to the Sami and demonstrating current stances in Sami Law research. In addition to chapters by well-known Scandinavian experts, the collection also comments on the legal situation in Norway, Sweden and Finland in relation to other jurisdictions and indigenous peoples, in particular with experiences and developments in Canada and New Zealand. The book displays the current research frontier among the Scandinavian countries, what the present-day issues are and

how the nation states have responded so far to claims of Sami rights. The study sheds light on the contrasts between the three countries on the one hand, and between Scandinavia, Canada and New Zealand on the other, showing that although there are obvious differences, for instance related to colonisation and present legal solutions, there are also shared experiences among the indigenous peoples and the States. Filling a gap in an under-researched area of Sami rights, this book will be a valuable resource for academics, researchers and policy-makers with an interest in Indigenous Peoples Law and comparative research.

Perversions of Justice

Indigenous peoples and protected areas all over the world are portrayed. The conflict between "modern life" and the lifestyle practised for ages in these areas is discussed

Indigenous Peoples and the Law

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.

POSSESSING THE PACIFIC

This book critically assesses categorical divisions between indigenous individual and collective rights regimes embedded in the foundations of international human rights law. Both conceptual ambiguities and practice-related difficulties arising in vernacularisation processes point to the need of deeper reflection. Internal power struggles, vulnerabilities and intra-group inequalities go unnoticed in that context, leaving persisting forms of neo-colonialism, neo-liberalism and patriarchalism largely untouched. This is to the detriment of groups within indigenous communities such as women, the elderly or young people, alongside intergenerational rights representing considerable intersectional claims and agendas. Integrating legal theoretical, political, socio-legal and anthropological perspectives, this book disentangles indigenous rights frameworks in the particular case of peremptory norms whenever these reflect both individual and collective rights dimensions. Further-reaching conclusions are drawn for groups 'in between', different formations of minority groups demanding rights on their own terms. Particular absolute norms provide insights into such interplay transcending individual and collective frameworks. As one of the founding constitutive elements of indigenous collective frameworks, indigenous peoples' right to prior consultation exemplifies what we could describe as exerting a cumulative, spill-over and transcending effect. Related debates concerning participation and self-determination thereby gain salience in a complex web of players and interests at

stake. Self-determination thereby assumes yet another dimension, namely as an umbrella tool of resistance enabling indigenous cosmovisions to materialise in the light of persisting patterns of epistemological oppression. Using a theoretical approach to close the supposed gap between indigenous rights frameworks informed by empirical insights from Bolivia, the Andes and Latin America, the book sheds light on developments in the African and European human rights systems.

Indigenous Peoples and International Trade

Analyses the work of the International Labour Organisation (ILO) in developing the status of indigenous peoples in international law. Focussing on the creation and implementation of the two legally binding international instruments in the area, this book traces the political processes in the struggle of indigenous peoples for legal recognition.

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

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.

Indigenous People, Crime and Punishment

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.

The Literary and Legal Genealogy of Native American Dispossession

Traditional, National, and International Law and Indigenous

Communities

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.

Handbook of Indigenous Peoples' Rights

Examines the faulty "reasoning" employed to legislate colonial control over North America's indigenous peoples and their lands.

Indigenous Peoples, the Environment and Law

Examining contested notions of indigeneity, and the positioning of the Indigenous subject before and beyond the law, this book focuses upon the animation of indigeneities within textual imaginaries, both literary and juridical. Engaging the philosophy of Jacques Derrida and Walter Benjamin, as well as other continental philosophy and critical legal theory, the book uniquely addresses the troubled juxtaposition of law and justice in the context of Indigenous legal claims and literary expressions, discourses of rights and recognition, postcolonialism and resistance in settler nation states, and the mutually constitutive relation between law and literature. Ultimately, the book suggests no less than a literary revolution, and the reassertion of Indigenous Law. To date, the oppressive specificity with which Indigenous peoples have been defined in international and domestic law has not been subject to the scrutiny undertaken in this book. As an interdisciplinary engagement with a variety of scholarly approaches, this book will appeal to a broad variety of legal and humanist scholars concerned with the intersections between Indigenous peoples and law, including those engaged in critical legal studies and legal philosophy, sociolegal studies, human rights and native title law.

Reconciling Indigenous Peoples' Individual and Collective

Rights

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 and the State

A glance at the chapters in this book discloses issues of great importance to the Australian people. They include: self-determination for Aborigines claims of title to and compensation for loss of traditional lands the impact of British law on colonised peoples deaths in custody the Convention Concerning Indigenous and Tribal Peoples in Independent Countries criminal law after Mabo v Queensland (NO 2) incarceration of Aboriginal women intellectual property rights in indigenous art. These are issues which reflect the culture, the perceptions, the aspirations and concerns of Aboriginal people. As such, they are of importance to all Australians. It is my hope that this book will stimulate informed discourse which, in turn, will facilitate identification and resolution of unaddressed problems for the benefit of all Australians. Sir Gerard Brennan AC KBE Chief Justice of Australia

The Inherent Rights of Indigenous Peoples in International Law

The United Nations Declaration on the Rights of Indigenous Peoples is seen primarily as an international human rights instrument. However, the Declaration also encompasses cultural, social and economic rights. Taken in the context of international trade and investment, the UN Declaration is a valuable tool to support economic self-determination of Indigenous peoples. This volume explores the emergence of Indigenous peoples' participation in international trade and investment, as well as how it is shaping legal instruments in environment and

trade, intellectual property and traditional knowledge. One theme that is explored is agency. From amicus interventions at the World Trade Organization to developing a future precedent for a 'Trade and Indigenous Peoples Chapter', Indigenous peoples are asserting their right to participate in decision-making. The authors, both Indigenous and non-Indigenous experts on trade and investment law, provide needed ideas and recommendations for governments, academia and policy thinkers to achieve economic reconciliation.

Scales of Governance and Indigenous Peoples' Rights

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.

Indigeneity: Before and Beyond the Law

In New Zealand, as well as in Australia, Canada and other comparable jurisdictions, Indigenous peoples comprise a significantly disproportionate percentage of the prison population. For example, Maori, who comprise 15% of New Zealand's population, make up 50% of its prisoners. For Maori women, the figure is 60%. These statistics have, moreover, remained more or less the same for at least the past thirty years. With New Zealand as its focus, this book explores how the fact that Indigenous peoples are more likely than any other ethnic group to be apprehended, arrested, prosecuted, convicted and incarcerated, might be alleviated. Taking seriously the rights to culture and to self-determination contained in the Treaty of Waitangi, in many comparable jurisdictions (including Australia, Canada, the United States of America), and also in the United Nations Declaration on the Rights of Indigenous Peoples, the book makes the case for an Indigenous court founded on Indigenous conceptions of proper conduct, punishment, and behavior. More specifically, the book draws on contemporary

notions of 'therapeutic jurisprudence' and 'restorative justice' in order to argue that such a court would offer an effective way to ameliorate the disproportionate incarceration of Indigenous peoples.

Science, Colonialism, and Indigenous Peoples

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.

Indigenous Peoples, Postcolonialism, and International Law

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.

Braiding Legal Orders

Land, Indigenous Peoples and Conflict presents an original comparative study of indigenous land and property rights worldwide. The book explores how the ongoing constitutional, legal and political integration of indigenous peoples into contemporary society has impacted on indigenous institutions and structures for managing land and property. This book details some of the common problems experienced by indigenous peoples throughout the world, providing lessons and insights from conflict resolution that may find application in other conflicts including inter-state and civil and sectarian conflicts. An interdisciplinary group of contributors present specific case material from indigenous land conflicts from the South Pacific, Australasia, South East Asia, Africa, North and South America, and northern Eurasia. These regional cases discuss issues such as modernization, the evolution of systems and institutions regulating land use, access and management, and the resolution of indigenous land conflicts, drawing out common problems and solutions. The lessons learnt from the book will be of value to students, researchers, legal professionals and policy makers with an interest in land and property rights worldwide.

Majah

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.

Read Free Indigenous Peoples And The Law Special Issue Of Without
Prejudice The Eaford International Review Of Racial Discrimination

[ROMANCE](#) [ACTION & ADVENTURE](#) [MYSTERY & THRILLER](#) [BIOGRAPHIES &
HISTORY](#) [CHILDREN'S](#) [YOUNG ADULT](#) [FANTASY](#) [HISTORICAL FICTION](#) [HORROR](#)
[LITERARY FICTION](#) [NON-FICTION](#) [SCIENCE FICTION](#)