I. Introduction

In this talk, we’ll begin by discussing the definition of “Indigenous Peoples” and cover the history of the rights of “Indigenous Peoples.” Next, we’ll look at the important issues and cover the core international documents that pertain to indigenous rights. The information in this handout largely reflects the information that is available in the GlobaLex Researching Indigenous Peoples International Law research guide by Chris Dykes.¹

II. “Indigenous Peoples”

A. Difficult to Define-There is no single way of defining “Indigenous Peoples” and the definition will differ depending on the document or scholar conducting research. The terms used will vary depending on locality and region. This presents a challenge when negotiating and drafting treaties and agreements because of the importance of including all indigenous populations.

B. Approach from the International Community-In the past fifty years, there is has been a trend towards a broader definition that is inclusive of different ethnic groups and takes into account their identity and heritage.

United Nations Working Group on Indigenous Populations (WGIP), defines “indigenous peoples” as “descendants of the original inhabitants of conquered territories possessing a minority culture and recognizing themselves as such.”²


4. For purposes of this policy, the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:

(a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

(b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
(c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
(d) an indigenous language, often different from the official language of the country or region.

A group that has lost "collective attachment to geographically distinct habitats or ancestral territories in the project area"; (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy. Ascertaining whether a particular group is considered as “Indigenous Peoples” for the purpose of this policy may require a technical judgment (see paragraph 8).

S. James Anaya, defines “Indigenous”…“broadly to the living descendants of pre-invasion inhabitants of lands now dominated by others.4

III. History

- During the 15th-16th centuries European nations settled in North and South America
- During the 18th-19th centuries, European nations arrived in Australia and South Africa
- The residents who originally inhabited these regions would be subjected to atrocities such as slaughter, enslavement, and diseases
- Survivors and would face discrimination
- Case law and statutes would grant rights to protect indigenous peoples and eventually there would be a similar movement at the international level
- 1919, the International Labor Organization was created.
- 1957, International Labor Organization (ILO) Convention No. 107,5 provided protection of individual rights.


- 1989, The Indigenous and Tribal Peoples Convention, 1989 (No. 169),6 was passed with the intent to improve living conditions, protect the identity and culture of the indigenous groups.

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2006, The United Nations Human Declaration on the Rights of Indigenous Peoples\(^7\) was passed by the U.N. General Assembly with the goals of providing significant safeguards and protections.

IV. Indigenous Populations

A researcher will likely encounter the indigenous groups listed below, but keep in mind, this is not an exhaustive list. Also, there are groups that are not defined or recognized by the nations where they reside.

- Aboriginal and Strait Islander .............................................................. Australia
- Aleut ................................................................. Arctic
- Amazigh (Berbers) ................................................................. Africa
- Indians .................................................................................. America
- Inuit ................................................................. Arctic
- Hill tribes or highlanders (Khmer Loeu) ........................................ Asia (Cambodia)
- Maori ................................................................. New Zealand
- Sami (Lapp) ................................................................. Europe
- San ........................................................................... Africa

V. Issues

The following issues, are among those that are imperative to the rights of indigenous peoples.

- Right to Self-Determination
- Sovereignty (Autonomy or Self-Government)
- Cultural Rights and Identity
- Land Rights
- Education and Media
- Social and Economic Improvement
- Discrimination
- Reparations, Redress, and Remedies
- Environmental Issues

VI. Organizations

There are numerous international, national, and regional organizations involved with the protection of human rights and indigenous populations.

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A. United Nations

- Economic and Social Council (https://www.un.org/ecosoc/en/home)
- Committee on the Elimination of Racial Discrimination (https://www2.ohchr.org/english/bodies/cedh/)
- International Court of Justice (https://www.icj-cij.org/en)
- World Health Organization (https://www.who.int/)
- World Intellectual Property Organization (WIPO)-WIPO has an Indigenous Peoples and Local Communities Portal (https://www.wipo.int/tk/en/indigenous/)
B. National and Regional Organizations

There are numerous national and regional organizations focusing on the rights of indigenous peoples. Many of the sites will contain documents from meetings as well as reports.

- African Union (https://au.int/)
- American Indian Law Alliance (https://aila.ngo/)
- Asian Indigenous and Tribal Peoples Network (http://www.aitpn.org/)
- National Congress of American Indians (http://www.ncai.org/)
- European Court for Human Rights (https://echr.coe.int/Pages/home.aspx?p=home)
- Foundation for Aboriginal & Islander Researcher Action (no working website)
- Grand Council of the Crees (Quebec) (https://www.cngov.ca/)
- Inuit Circumpolar Council (Canada) (https://www.inuitcircumpolar.com/)
- Inter-American Commission on Human Rights (IACHR) (https://www.oas.org/en/iachr/)
- Inter-American Court of Human Rights (https://www.corteidh.or.cr/index.cfm?lang=en)
- International Indian Treaty Council (https://www.iitc.org/)
- Organization of American States (OAS) (http://www.oas.org/en/)
- Russian Association of Indigenous Peoples of the North, Siberia and Far East (RAIPON) (http://raipon.info/)

VII. International Documents


VIII. Secondary Sources


For a more extensive list of books as well as articles, see Christopher C. Dykes, Researching Indigenous Peoples International Law. GlobaLex, New York University School of Law (Updated, 2019), available at: https://www.nyulawglobal.org/globalex/Researching_Indigenous_Peoples_International_Law1.html
IX. Resources Used